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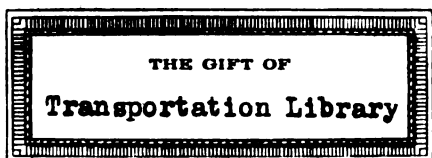
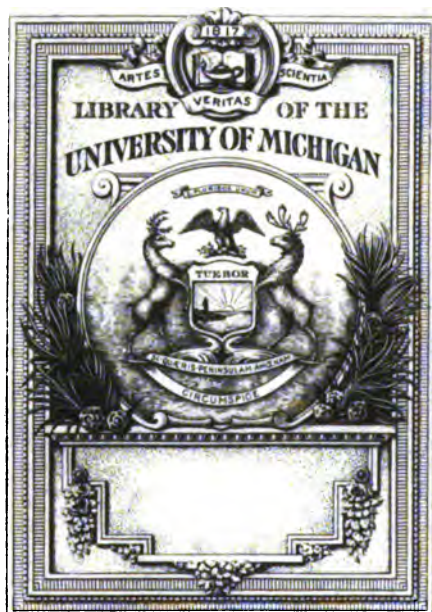
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DOCUMENTS
OF THE
SENATE
OF THE
STATE OF NEW-YORK,
FIFTY-SEVENTH SESSION,
1834.

VOLUME II.
FROM No. 51 TO 126 INCLUSIVE.



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1834.



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IN SENATE,

February 12, 1834.

REPORT

**Of the committee on Indian affairs, on the petition
of John Denny.**

Mr. Seward, from the committee on Indian affairs, to whom was referred the petition of John Denny, a member of the First Christian Party of Oneida Indians, submitted the following

REPORT:

The petitioner represents, that all the lands belonging to said party have been purchased by this State, and almost all of the members of the said party have gone to reside at Green Bay: That there are still remaining in the State treasury some monies, being the residue of the fund set apart for defraying the expenses of the migration of said party. In this fund, the petitioner for himself and family, claims to have an interest in the ratio of their number, in the aggregate of the members of the party still remaining in this State. The petitioner further represents, that his family and himself have received an education according to the customs of white people; and that they prefer living among the whites, rather than join their own people at Green Bay. From certificates annexed to the petition, it appears satisfactorily that the petitioner and his family are respectable and moral, and that he has been a long time interpreter in chief of the Oneida tribe. The petitioner prays that a law may be passed, directing the Treasurer to pay to him the equitable proportion due to himself and his family, of the monies remaining in the treasury, arising from the sale of the lands of the said First Christian Party.

The petition was, on the application of the committee, referred to the Comptroller, with a view to obtain the information neces-
[Senate No. 51.]

sary for the action of the Senate. By the report of that officer, (Senate Documents 1834, No. 37,) it appears that there remains due to the First Christian Party of Oneida Indians, for lands ceded by them to the State by the treaty of 1829, the sum of \$1,941.01. By reference to the act of 1829, it will be seen, that according to the terms of purchase, a portion of the purchase money was paid to the Indians; another portion was funded, and annuities were thereupon secured to the Indians; and the remainder of the purchase money was reserved and appropriated as a fund to defray the expense of the migration of the said Indians to Green Bay. The treaty has thus far been executed in the manner thus directed. The annuities have been regularly paid, as well to the emigrants as to those individuals still remaining in this State. Successive parties of the Indians have removed, under the superintendence of an agent appointed by the Governor, the expenses of their migration having been paid out of the fund reserved for that purpose. The principle adopted in relation to the division of this fund, was the division of the entire reserved fund, upon an accurate census of the party; the share of each member was \$28.54. The agent, whenever a party sufficiently numerous was formed, proceeded with them to Green Bay; and when arrived there, settled and adjusted the accounts with them, allowing to each any balance unexpended of the \$28.54. There is still remaining at Oneida a remnant of about seventy members of the tribe. Of this number, the petitioner and family constitute five; and their equitable interest in the fund is of course \$142.70, payable on their migration to Green Bay. The committee have been informed that applications similar to the one under consideration, will soon be presented by other members of the same party. Such indeed would be a certain consequence of the favorable decision of the Legislature on Denny's petition. The committee have therefore thought it their duty to consider the bearing which the legislation they may recommend in the present case, will have upon the future action of the Legislature.

The policy of the act of 1829 was to induce the emigration of the Indians to Green Bay, a policy dictated not only by a wise regard to the interests and morals of the people living in the vicinity of the Indian lands, but by the most paternal regard for the welfare of the Indians themselves. The soundness of this policy in relation to the remnant of the party yet remaining within the State, is un-

questioned. While, therefore, the committee would reluctantly consent to withholding the proportion of the fund due to a family so educated as to prefer and be fitted for a residence among a civilized people, they cannot recommend a measure which would be calculated to waste the fund set apart for the migration of the party, so as eventually to leave those unfitted for such a life to suffer poverty among us, without the ability to seek their brethren in the west. That such would be the tendency of a law passed in pursuance of the petition submitted to the committee, is obvious. The Legislature cannot be expected to divide in the same manner the entire fund, and distinguish who among the Indians ought to be encouraged to remain, and who to emigrate.

But justice requires that not a dollar of this fund should be withheld from those to whom it equally belongs, whether they remain among us, or emigrate to Michigan. The present seems to the committee a proper time to provide for the disposal of so much of the fund as shall remain, after all who shall consent to emigrate shall have received their due proportion. The committee therefore ask leave to introduce a bill, providing for the payment, in addition to the annuities secured to the members of the First Christian Party of Oneida Indians, of the annual interest upon the amount of the fund reserved for promoting emigration.

Such a course will secure a perpetual income to those members of the party who determine not to emigrate, while it will secure a fund at all times available for that purpose, whenever any of those members shall find it expedient to remove. The committee are confirmed in the belief that the measure proposed is the proper one, because it is consistent with the settled policy always adopted by the State in regard to the Indians. In that policy, it has always been a governing principle to deal with the Indians in their national capacity, and not as individuals; and also to preserve their funds so as to secure them an income annually, rather than to pay them large sums of money in discharge of their claims.

IN SENATE,

February 12, 1834.

REPORT

**Of the committee on the judiciary, relative to the
sale of foreign lottery tickets.**

Mr. Lansing, from the committee on the judiciary, who, by a resolution of the honorable the Senate, were directed to inquire if any further legislation be necessary to prevent the sale by way of agency, commission, or otherwise, of foreign lottery tickets, begs leave to

REPORT:

That they have given the subject submitted to their inquiry, such examination as its nature and importance demanded. That the question as to the impropriety or impolicy of tolerating lotteries must be considered as settled in this State, since the adoption of our present Constitution. The people of this State in convention in 1821, having for years experienced the effects of lotteries, solemnly declared, that no lotteries should thereafter be granted; and more fully to evince their disapprobation of the lottery system, imposed upon the Legislature, established by the Constitution they then formed, the imperative duty of passing laws to prevent the sale of all lottery tickets, except in the lotteries then authorised.

The committee have confined their inquiries to the question, whether the present laws are sufficient to give full effect to the intention and wishes of the people, so solemnly expressed, that not only should no lottery be authorised in this State, but that all sales of and traffic in lottery tickets should be prevented. The adoption of this provision was strenuously opposed in the convention, and from the debates on the subject, no doubt can be entertained,

that it was intended to embrace, not only lotteries to be drawn within this State, unauthorised by law, but all species of lotteries whatever.

After the adoption and ratification of the Constitution, the Legislature, in obedience to the requirements thereof, did pass laws, which were mostly, and with some amendments, re-enacted in the present Revised Statutes. Those laws not only aimed to prevent the sale of tickets in all illegal lotteries, and which by the same act are declared to include all lotteries not authorised by the laws of this State, but they also regulated the mode of disposing tickets in authorised lotteries, by declaring that the individuals selling such tickets should be licensed for the purpose, and designating the source from whence and the terms and conditions on which such licenses should be obtained.

The lottery system has been a favorite mode of raising revenue, it purporting to accomplish its object without imposing burthens. The framers of the Constitution knowing that as a mode of raising revenue it was not without burthens, but that it imposed taxes on those least able to bear them, intended that no motives of revenue or other beneficial purpose should induce the Legislature, by authorising any lottery, to tempt the credulous or thoughtless to embark in lottery gambling. As guardians of the interests of those they represented, they aimed to preserve their morals, to protect the unfortunate against his own desperation, and to preserve the poor, the credulous, and the imprudent, from the snares by which they would be surrounded.

A cursory view of the legislation on this subject in our sister States, will give the Senate some idea of the sentiment now existing as to lotteries. It will be seen that a number of the States, although they have not incorporated the provision in their constitutions, have, by legislative enactments, manifested their disapprobation of the system. As far as the committee have been enabled to ascertain, there are no lotteries now existing in Pennsylvania, Ohio, Vermont, Maine, Massachusetts, New-Jersey, New-Hampshire and Illinois. In Louisiana, lotteries have already terminated, or are soon to terminate. In most of the other States, lotteries are tolerated, but in most of them, prohibitions are in force against the sale of all lottery tickets, except those in lotteries authorised by the State. In no State, as far as the committee have ascertained, except in this State, are the Legislatures prevented, by constitution-

al prohibitions, from authorising a lottery; but from the spirit manifested in the various enactments against the sale of foreign lottery tickets, it is fair to presume that the same views of the evil of lotteries, which actuated the convention of 1821, pervade the States generally. The indications manifested by their acts of legislation, afford some assurance and hope that soon the system will be abolished throughout all the States.

The act of the Legislature of this State, of 1833, declared that all lotteries before then authorized, should cease and end on the 31st day of December last. In this State now, no evils are to be apprehended, except from the sale of tickets in lotteries authorised by our sister States. The present laws are very rigid on the subject of the sale of such tickets, but the committee are led to believe that there are however, daily violations of them. This arises undoubtedly partly from the carelessness or negligence of those knowing of such violations, in bringing them to the notice of the public authorities. The odium that too often attaches to the character of a common informer deters the making complaints, and may continue so to deter, until the occurrence of some great calamity, by exciting public sympathy, may lead, as in a neighboring State, to combinations of individuals, determined to support and sustain each other, in ferreting out offenders, and bringing them to punishment. Another reason of such violations, it is intimated to the committee, is predicated on the peculiar phraseology of our present laws. It is said that they were intended to protect the authorised lotteries in this State, and to suppress the unauthorised, and do not include lotteries of other States. The fair construction of the present laws, undoubtedly is, the prohibition of the sale of the tickets in all lotteries whatever; but the committee, to remove all doubt, have, in the bill herewith reported, made provision to alter the language on which these doubts are based. There are undoubtedly divers modes of evading the laws. The following has been suggested to the committee as one of the modes of evasion: The purchaser is requested to buy of the lottery vender in this State, a draft on the vender in the other State for a sum equal to the amount of the adventure he intends. He receives the draft, and on the same paper he designates in a list of the various lotteries the number or parts of tickets he wants, and the lottery in which he wishes them. He then directs it to the foreign vender, and requests the vender here to forward it, and leaves it with him for that purpose. At a convenient time he is to call and receive

an answer to his communication, which is in the shape of a letter from the foreign vender to the purchaser, inclosing the tickets ordered. It is said the vender here, is furnished not only with the tickets, but with the answers, in which to enclose the tickets ordered.

All lotteries having now ceased in this State, the Legislature are in duty bound to give full effect not only to the language, but the spirit of the Constitution. Its requirement of the passage of laws against the sale of lottery tickets, was not intended to effect merely the vender, but to destroy the means by which the corrupting evils of lottery gambling pervaded the whole community. Its grand design was, that our citizens shall not be tempted, nor their adventurous spirit of gambling encouraged. By removing the means of gratifying their delusive schemes of wealth, it was intended that they should not in any wise be engaged in them. It was in accordance with the principles of the laws, which have been in force for a long time, against all sorts of gaming and hazard. Are not the Legislature therefore, in fulfilling the spirit and intention of the Constitution, not only bound wholly to prevent the sale of tickets, but also to forbid and prevent our citizens being interested or engaged in such tickets? Unless this is done, the evil is not reached. The prospect of gain created by the delusive hopes held out by a brilliant lottery scheme, will induce many of our citizens to jeopardize their all, so long as they can do so, without any other hazard than the loss of the amount of the adventure. The Legislature being prohibited and forbidden from furnishing the temptations, which authorised lotteries afford to the cupidity and avarice of its citizens, would be fully justified, in accordance with the principles which produced such prohibition, in compelling its citizens to resist similar temptations from any source.

While the law only prohibits the establishment of all agencies in this State for the sale of lottery tickets, the evils of lotteries will continue to be experienced, as then every individual can, through the medium of the mail or otherwise, make direct application as a purchaser, to the lottery vender in a neighboring State. A law making it illegal for a citizen to be interested in any lottery ticket, would not in its nature be unprecedented, and would tend in a great measure to give full effect to the requirements of the Constitution.

As early as the year 1762, when tickets in lotteries of the mother country were introduced into this country for sale, the As-

sembly of Pennsylvania passed a law, not only declaring lotteries not authorised by act of Parliament common and public nuisances, but strictly forbidding all persons within the province, under heavy penalties, from being engaged in buying or selling tickets in such lotteries. Lotteries are now viewed as a species of gambling, and the same motives of policy, and anxiety for public morals, which originated and has continued the laws in our statute books, by which all engaged in gaming, whether as losers or winners, are subjected to penalties, would induce an enactment of the kind above suggested. In fact, the very laws now in force, declaring all prizes drawn in unauthorised lotteries forfeited, evinces the intention of the Legislature to punish the purchaser of tickets.

The law now in force making it illegal for any citizen to sell any lottery ticket, is no different in principle than a law would be prohibiting any citizen from being interested in such ticket. The act of selling is no more reprehensible than the act of buying, and both may be made equally so by a legislative enactment. Both may be made *mala prohibita*, not criminal or illegal of themselves, but alone made so by positive enactment.

The committee are of opinion that no other material amendment is necessary to the existing laws, except it be a provision forbidding citizens of this State from becoming purchasers of or interested in lottery tickets. The committee are aware that it may and will be said, that all laws on this subject may prove useless, as they may and will be evaded. But a great evil, adjudged to be such in the most solemn manner, is to be remedied, and the committee cannot but say, in the language of a member of the convention, "if the partial evasion or even frequent violation of laws for the prevention of crime is considered an argument against their enactment, the whole of our penal code ought to be abandoned or repealed, since to every law it contained, the argument would apply with equal force."

A portion only of the present law is of any validity, by reason of the cessation of lotteries in this State, while another portion requires some verbal amendments to render them more explicit and definite, and to remove all doubts which it is said now exist as to their meaning.

With a view, therefore, to expunge from our statute book what has become useless, and if possible to remove all cause of doubt,

and at the same time to present in one statute all enactments on a single subject, the committee have directed their chairman to ask leave to introduce a bill, by which they think the object of the framers of our Constitution, and the wish of the Legislature, will be fully and completely attained.

IN SENATE,

January 27, 1834.

ANNUAL REPORT

**Of the Trustees of the Seamen's Bank for Savings
in the city of New-York.**

The Trustees of the Seamen's Bank for Savings in the city of New-York, in conformity with the requisitions of the law,

REPORT:

That there has been received at the bank during the year ending 31st Dec. 1833, from 569 depositors,	\$74,288 74
The amount of interest collected during the same period, has been.....	4,255 16
Amount of United States 4½ per cent stock redeemed, is	7,200 03
Which together with the balance in the treasurer's hands at the close of the preceding year,	22,367 19
Constitutes the whole amount to be accounted for the last twelve months,	\$108,111 12

Of this amount, there has been paid to depositors,..	\$70,628 61
Invested in United States stock,.....	8,590 99
Disbursed for expenses incident to the conducting of the establishment,	1,040 40
Leaving a balance not permanently invested on the 1st day of January, 1834, of	27,851 12
	<u>\$108,111 12</u>

Since the opening of the bank in May, 1829, that is for a period of 4½ years or thereabouts, the whole number of deposits has been 2,034, from which the total amount received, is

total amount received, is	\$297,783 21
Amount of interest collected during the same period, is.....	12,152 67
Profit on stock sold and redeemed, is.....	707 32
Total receipts for the 4½ years,	<u>\$310,643 20</u>

In the same period the total amount repaid has been,	\$213,719 00
Expenses of the institution,	2,907 80
Invested in stocks,.....	66,165 28
Amount on hand not invested,	27,851 12
Total,.....	<u>\$310,643 20</u>

The actual assets of the institution on first day of January, 1834/ were as follows, viz:

Stocks held by the bank, viz:

Ohio 6 per cent stock,	\$3,075 00
Ohio 5 per cent stock,	10,212 62
	<u>\$16,287 62</u>
Corporation city of New-York, 5 per cent stock,....	6,718 25
New-York State 5 per cent stock,	\$16,337 64
“ “ 4½ “	11,579 20
	<u>27,916 84</u>
United States 5 per cent stock,.....	15,242 57
Total,.....	<u>\$66,165 28</u>

The trustees have further the satisfaction to report, that since the closing the accounts for the year, the board have been enabled to credit a rate of interest of five per cent per annum, to each account not exceeding \$500, and to each account of larger sums four per cent per annum.

By order of the board,

N. TAYLOR, *President.*

C. BARSTOW, *Secretary.*

IN SENATE,

February 5, 1834.

REPORT

Of the select committee, on the bill from the Assembly for erecting a new court-house in the county of Chautauque.

Mr. Cary, from the select committee, consisting of the Senators from the eighth district, to whom was referred an engrossed bill from the Assembly, entitled "An act to authorise the erection of a new-court-house in the county of Chautauque,"

REPORTED:

That the committee have examined the bill, and the petition accompanying the same: that they are satisfied a new court-house is necessary in said county: that the petitioners are numerous, (exceeding one thousand;) and, although the usual notice has been published, no remonstrance has been presented from any inhabitants of the said county. The committee therefore recommend that the said bill be passed.



IN SENATE,

February 1, 1834.

STATEMENT

**Of the affairs and condition of the North River bank,
of the city of New-York.**

NORTH RIVER BANK, }
New-York, January 27th, 1834. }

SIR—

In compliance with a resolution of the honorable the Senate
I herewith transmit you a statement of the affairs and condition of
this institution.

Yours respectfully,

A. B. HAYS, *Cashier.*

JOHN F. BACON, Esq.

Clerk of the Senate.

Statement of the funds and property of the North River bank, of the city of New-York, January 27th, 1834.

Real estate, consisting of banking-house, and property in the 8th ward,	\$34,105 21
Bills discounted,	903,935 49
do protested, (a part of which will be recovered,)	4,928 78
Notes of city banks,	71,680 82
do country "	11,309 51
Specie,	72,094 34
Due from city banks,	74,612 52
do foreign,	32,917 05
Plates and paper,	2,939 85
Expense account,	142 67
	<hr/>
	\$1,208,715 74

Capital stock, paid in,	\$500,000 00
Notes in circulation,	181,514 00
Unpaid dividends,	2,535 75
Profit and loss,	42,880 41
Discounts received since 1st January, inst.	4,031 44
Due to city banks,	159,827 68
do foreign,	13,790 11
do insurance companies,	7,764 20
do individuals,	297,243 15
	<hr/>
	\$1,208,715 74

We, Leonard Kip, president, and A. B. Hays, cashier, of the North River bank, do swear that the above is a true and just statement of the affairs and condition of the said bank, to the best of our knowledge and belief.

LEONARD KIP, *President.*

A. B. HAYS, *Cashier.*

Subscribed by and sworn to this

28th day of January, 1834,

Before me,

GEO. D. COOPER,

Not. Pub.

IN SENATE,

February 1, 1834.

ANNUAL REPORT

Of the Trustees of the Sailors' Snug Harbor.

To the Honorable the Senate of the State of New-York.

The Trustees of the Sailors' Snug Harbor, in presenting their annual account to your honorable body, have the satisfaction of informing you, that the Asylum erected by the Trustees on Staten Island, on the bequest of Robert Richard Randall, for maintenance of aged, worn out and disabled sailors, was opened on the first of August last, from which time up to the present date, there has been forty-four persons of the above description placed upon the establishment; and others will be admitted as they apply.

Respectfully submitted.

GIDEON LEE,
President.

New-York, December 31st, 1833.



REPORT, &c.

To the Honorable the Senate of the State of New-York.

The annual accounts of the Trustees of the Sailors' Snug Harbor, shewing the receipts and disbursements of the Board, from the 31st December, 1832, to the 31st December, 1833, also the present state of their funds, and an estimate of the income and receipts, for the year 1834, is respectfully submitted.

RECEIPTS.

For ground rent on lots accruing this year,	\$16,692 32½	
For ground rent on lots due last year,	412 30	
For ground rent on lots from J. C. Morrison, by note,	4,320 00	
		\$21,424 62½
For house and store rent accruing this year,	\$2,945 00	
For house and store rent due last year,	450 00	
		3,395 00
Dividends on bank and insurance stock,		2,870 25
For interest on bonds and mortgages this year,	\$2,340 02	
For interest on bonds and mortgages due last year,	90 00	
		2,430 02
For Simon Van Beuren's bond and mortgage paid off,	\$1,500 00	
For P. Maura's bond and mortgage paid off,	700 00	
		2,200 00
For U. S. three per cents paid off, ½ of \$723.42,	\$241 14	
For interest on do.	1 80	
		242 94
For sales from the building and farm,		350 80
For interest from J. C. Morrison, on back rent,		3 75
Cash, balance on hand 31st December, 1832,		816 12
		<u>\$33,733 59½</u>

DISBURSEMENTS.

Paid for building materials, mason work,	
labor, &c. for asylum,	\$13,271 03
labor, &c. improving the farm, ..	1,803 07
“ for out buildings, ..	96 24
furniture for the asylum,	1,957 16
clothing, including boots and shoes for the institution,...	1,378 96
groceries and bread for the institution,	449 41
butchers' bill and fuel for the institution,	487 36
salaries and incidental expenses, including wages of attendants and gardener at the institution,	2,307 71½
corporation taxes and assessments,	730 25
insurance on city buildings and asylum,	121 60
labor, &c. on the dam,	80 75
repairs to city buildings,	128 31
Dr. Hull fitting truss for Dickinson,	5 00
board of Capt. Newman,	13 25
sundries, per petty cash,	132 78
Betsey Shields, for annual legacy,	100 00
J. C. Mosely, damages awarded,	338 75
• Invested in J. C. Morrison's note, endorsed by A. W. Spies, received for ground rent,	4,320 00
Invested in loan on bond and mortgage to W. Lloyd,	4,000 00
Leaving a cash balance on hand this day, of	2,011 96
	<hr/>
	\$33,783 59½
	<hr/>
	\$33,783 59½
	<hr/>

Outstanding rent.

J. J. Coddington,	\$227 87½
J. Labagh and others,	262 50
Shepherd Knapp,	65 00
Wm. D. Disbrow,	28 05
Smith Cutter,	27 50
Peter Storms,	125 00
James Hostin,	50 00
*Joseph Bates,	200 00
*Michael Godwin,	100 00
	<hr/>
	\$1,085 92½
*Of which is bad or doubtful,	300 00
	<hr/>

\$785 92½

Outstanding.

Jno. C. Morrison's note,	4,320 00
Six months interest on J. J. Coddington's bond,	69 60
Six months interest on Downing and Hopkins' bond,	90 00
Outstanding rent, estimated at	785 92½
	<hr/>

\$5,265 52½

Statement of the Funds held by the Trust, the stocks at par value.

687 shares Mechanics' bank stock,	\$17,175 00
120 " Merchants' "	6,000 00
326 " Manhattan "	16,300 00
25 " Mutual insurance stock,	1,250 00
Loans on bond and mortgages,	44,800 00
Jno. C. Morrison's note,	4,320 00
Cash, balance on hand this day,	2,011 96
Outstanding rent and interest as above stated,	945 52½

Permanent investments since 31st Dec. 1832.

Paid on account of building materials, labor, &c. for the Asylum,	\$13,271 03
Paid on account, labor and materials for improving the farm,	1,803 07
Paid on account, labor and materials for out buildings,	96 24
Paid for furniture for the Asylum,	1,957 16
	<hr/>
	17,127 50
	<hr/>
	\$109,929 98½
	<hr/>

*The Annual Income and Receipts for the year 1834, are estimated,
Viz:*

Annual ground rent of 221 lots, now under lease 9th ward,.....	\$18,218 25
House rent in 9th ward,.....	675 00
House and store rent in first ward,.....	2,682 50
Dividends on stock,.....	2,790 75
Interest on bonds and mortgages,.....	2,688 00
Note of Jno. C. Morrison,	4,320 00
Outstanding rent and interest as above,.....	945 52½
	<hr/>
	\$32,315 02½
	<hr/>

New-York, December 31, 1833.

JNO. WHETTEN,
Treasurer.

IN SENATE,

February 5, 1834.

COMMUNICATION

From the Chancellor, relative to the New-York Life Insurance and Trust Company.

Albany, Feb. 5th, 1834.

To the President of the Senate,

SIR:

Several members of the Legislature having expressed a wish to see the report of the New-York Life Insurance and Trust Company, as soon as it was received, I have caused a copy thereof to be made; which I herewith transmit to you, for the use of the Senate. The order of the court under which this return is made, will be found at page 11 of number 209, in the 3d volume of the Assembly Documents of 1833.

I am, with respect,

Yours, &c.,

R. HYDE WALWORTH.



ANSWER

Of the New-York Life Insurance and Trust Company for the year 1833, to the Chancellor's Order of November 19th, 1831.

The trustees of the New-York Life Insurance and Trust Company, in compliance with the Chancellor's order, respectfully answer the inquiries, as arranged in the order; each answer referring to the 1st day of January, 1834.

Inquiry 1st. The amount of capital loaned out on bond and mortgage, exclusive of interest, was, on the 1st day of January, 1834, \$1,000,000.

In every instance, it is believed, that the value of the property mortgaged, is at least double the amount of the loan, and of this fact, satisfactory evidence has been required in all cases where the property did not come under the immediate cognizance and observation of the trustees.

The amount loaned in each county of the State, is as follows:

New-York,	\$74,224 00
Albany,	67,569 36
Westchester,	8,013 62
Oneida,	27,615 75
Tompkins,	31,921 00
Erie,	113,658 00
Delaware,	4,100 00
Monroe,	102,650 00
Oswego,	11,000 00
St. Lawrence,	800 00
Saratoga,	22,500 00
Columbia,	43,619 50
Ontario,	65,223 84
Clinton,	7,000 00

Orange,	\$1,000 00
Ulster,	21,857 00
Livingston,	32,165 00
Steuben,	11,550 00
Franklin,	6,800 00
Washington,	3,000 00
Montgomery,	11,200 00
Madison,	600 00
Allegany,	3,716 28
Orleans,	39,330 00
Greene,	3,000 00
Niagara,	34,050 00
Chautauque,	11,660 00
Jefferson,	7,781 73
Chenango,	1,950 00
Schoharie,	700 00
Onondaga,	13,324 00
Genesee,	48,291 73
Schenectady,	3,000 00
Wayne,	68,956 90
Cayuga,	14,479 00
Otsego,	4,652 00
Herkimer,	8,700 00
Broome,	7,784 00
Seneca,	20,975 00
Sullivan,	1,500 00
Yates,	22,502 33
Tioga,	19,550 00
Kings,	4,000 00

There is no amount upon which interest has been due on loans, on capital, more than six months. There was no part of the amount of the capital stock loaned on bond or mortgage in suit or judgment, or on which prosecution had been ordered.

2d. The amount of loans on bond and mortgage, not included in loans on capital, and other than loans to monied corporations, or to their officers or agents, for their use and benefit, was, on the 1st day of January, 1834, \$2,320,052.11.

The amount loaned of this character, in each county of the State, is believed to have been nearly as follows, on the 1st of January:

New-York,	\$522,698 57
Albany,	57,450 00
Kings,	3,500 00
Columbia,	22,682 22
Ontario,	44,532 54
Oneida,	36,480 00
Tompkins,	48,825 00
Erie,	164,525 00
Monroe,	209,830 00
Oswego,	45,200 00
Niagara,	148,202 00
Chautauque,	59,284 50
Jefferson,	50,700 00
Onondaga,	59,430 00
Genesee,	186,497 27
Clinton,	570 00
Putnam,	9,000 00
Essex,	3,000 00
Chenango,	1,500 00
St. Lawrence,	500 00
Steuben,	27,307 03
Westchester,	5,000 00
Allegany,	26,238 00
Livingston,	90,694 00
Cayuga,	69,713 98
Herkimer,	9,507 00
Otsego,	12,600 00
Seneca,	42,625 00
Tioga,	35,380 00
Yates,	25,775 00
Sullivan,	2,000 00
Wayne,	65,628 00
Washington,	16,407 00
Orleans,	131,635 00
Lewis,	500 00
Rensselaer,	27,800 00
Morris, New-Jersey,	3,000 00
Madison,	17,525 00

Cattaraugus,	9,800 00
Cortland,	3,050 00
Richmond,	1,500 00
Saratoga,	3,350 00
Broome,	18,710 00
Warren,	400 00

The whole number of loans on bond and mortgage, made by the Company the 1st day of January, was 2,551.

The amount of interest then due, and in payment of which there has been a failure over six months, is \$6,483.68, of which \$3,000 has been allowed to remain unpaid, on receipt of additional security.

Since the Company commenced operations, there have been fifty-one bonds and mortgages sent to the counsel for collection, on account of failure in payment of interest.

Of these, on payment of all interest due, the papers have been returned in 22 cases.

Proceedings have been commenced and stayed in sixteen cases, by the payment of the whole debt, or by other satisfactory arrangements.

There are foreclosures proceeding in nine cases, amounting to \$15,780.

Foreclosure has been completed and the money collected in two, and foreclosure completed and the property bought in at public sale in two; which last will be sold immediately on the offer of principal and interest and costs by a purchaser.

The payments of interest to the company are semi-annual; on the first days of June and December.

In making the above loans satisfactory evidence has been required, that the value of the mortgaged premises is at least double the amount of the loan, except where the loans have been made on real property in the city of New-York; where, on account of its ready sale, and the greater facility of determining the actual value of property, so great an amount is not required. It should be remarked too, that in a great number of cases, where the property is of a changeable character, a much less sum has been loaned, frequently not over one-third the value.

3. The amount, exclusive of interest, of loans on stock securities on the first day of January, other than loans to and for the use of monied corporations, was \$298,504.

The following table shows the amount loaned on each kind of stock, the number of shares, and the nominal and market value thereof, and the amount payable on demand at the time of the loan, the amount loaned for limited periods less than six months, and the amount loaned for six months or more.

	Amount loaned.	Number of shares.	Nominal value.	Market value.
Utica Bank stock,.....	\$1,500 00	25	60	Above par.
Bank of Rochester,.....	20,000 00	400	50	"
Mechanics' & Farmers' Bank, Albany,.....	26,350 00	1550	17	"
New-York State Marine,.....	12,410 00	365	50	23 per cent discount.
Mohawk Rail-Road,.....	39,514 00	429	100	24 " "
Oswego Bank,.....	5,000 00	100	25	Above par.
Traders' Insurance Company,.....	625 00	25	25	17 advance.
Camden & Amboy Rail-Road,.....	35,000 00	390	100	17 "
Onondaga County Bank,.....	2,000 00	40	50	Above par.
Jackson Insurance Company,.....	6,500 00	185	50	24 per cent discount.
Leather Manufacturers' Bank,.....	3,950 00	80	50	12 advance.
Commercial Insurance Company,.....	1,500 00	20	100	5 per cent advance.
Bank of Monroe,.....	2,500 00	100	25	Above par.
Jefferson Insurance Company,.....	2,800 00	105	30	5 per cent advance.
Contributionship Insurance Company,.....	5,000 00	100	50	30 per cent advance.
New-York Fire Insurance Company,.....	5,470 00	68	100	1 per cent discount.
Dry Dock Bank,.....	10,535 00	340	30	20 per cent advance.
Farmers' Loan Company,.....	28,500 00	615	50	2 per cent advance.
Ocean Insurance Company,.....	11,100 00	391	35	32 "
Howard Insurance Company,.....	2,100 00	40	50	16 "
National Insurance Company,.....	1,500 00	37	50	10 per cent discount.

New-Orleans Banking Company,.....	8,000 00	60	100	8 per cent advance.
Mechanics' Bank,.....	2,650 00	100	25	"
Manhattan Bank,.....	2,350 00	40	50	"
Butchers' & Drivers' Bank,.....	2,000 00	100	25	"
City Bank, New-Orleans,.....	7,000 00	70	100	"
American Marine Insurance Company,.....	750 00	15	50	"
Neptune Insurance Company,.....	6,400 00	125	50	"
New-York Gas Light Company,.....	400 00	7	50	"
Troy City Bank,.....	4,000 00	80	50	Above par.
Phoenix Fire Insurance Company,.....	4,000 00	103	40	8 per cent advance.
Phoenix Bank,.....	1,100 00	42	25	"
City Bank, New-Haven,.....	5,000 00	50	100	"
Equitable Insurance Company,.....	2,000 00	51	50	9 per cent discount.
American Fire Insurance Company,.....	29,000 00	640	50	2 per cent advance.
Long-Island Insurance Company,.....	2,000 00	50	50	3 per cent discount.
\$298,504 00				

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Of the above loans on stock, there is loaned for six months and over,	\$82,850 00
Less than six months,	15,000 00
Payable on demand,	<u>200,000 00</u>

Of the above loans on stock, there are none on which the interest has been due for more than six months; nor the interest on which has not been paid when due and called for. There are none of course in suit, nor ordered for prosecution; nor are there any where the principal and interest due thereon exceeded, on the first day of January, 1834, the market value of the stocks pledged for the security thereof. The general rule being to loan on stock at 10 or 15 per cent, at least, below the market value, so to be kept by agreement.

4th. The amount of loans on bonds, bills or notes with personal security only, other than loans to or for the use of monied corporations, was, on the first day of January, 1834, \$528,485.01.

The amount of the last mentioned loans payable on demand, the amount loaned for a less period than six months and over, is as follows:

Payable on demand,	\$94,584 00
Loaned for a less period than six months,	194,545 17
Loaned for six months and over,	<u>239,355 84</u>

There are none of the said loans on which interest has been due six months, nor any in suit, nor ordered for prosecution, nor are there any under protest.

5th. To the interrogatory, what is the amount due from persons on account other than loans to or for the use of monied institutions? No money has ever been allowed to remain in the hands of the president or secretary, excepting as officers of the company, but is deposited before three o'clock each day in bank, nor of any trustee or agent of the company, nor has any money been loaned but on bonds, mortgages, bills, stocks or other securities, nor without such securities being approved and in the office, or believed to be in the hands of a person authorised to receive them.

6th. The whole amount of interest due the company on the 1st day of January, 1834, was \$43,039.21. This sum includes \$6,483 68 mentioned in answer to the second inquiry as having been due over six months; of the balance \$36,555.53, there has been received since the 1st January \$17,561.88.

7th. No loan has been made to any monied corporation, or to their officers or agents, for the use of such corporation.

8th. The company own in their own right stock of the city of Albany to the amount of \$45,000, for which they have the certificates in the office, bearing an interest of five per cent; one per cent advance having been paid for the same. Its market value is not known, none being in the market.

9th. The only real property the company own is the lot and building in Wall-street, in the city of New-York, twenty-seven feet on Wall-street and one hundred and sixteen feet deep, where the company's office is now kept, purchased for the sum of \$37,000. Expended thereon for permanent improvements, other than for ordinary repairs, \$5,861.85; present value, 42,861.85.

Of this property, about one-fourth in value is occupied by the company for the transaction of its business.

10th. The whole amount of money on hand on the first day of January, 1834, was \$7,624.39, being the balance lying in the Manhattan bank, at the disposal of the trustees on that day. The Manhattan bank, of the city of New-York, is the bank in which all the deposits of the company are made, and with which all the company's banking business is done. All money drawn from the bank is drawn by checks, signed by the president and countersigned by the secretary.

11th. Excepting their books, and the furniture of the office, the latter valued at \$200, the company have no property of any description whatever, excepting what has already been stated, in answer to the preceding interrogatories, or which will be specified in answer to some one of those which follows.

12th. The company have received no money in trust, to be invested at the risk, and for the benefit of the persons for whom such moneys were received, or of other persons designated by the trust. All moneys which have been hitherto received in trust, are at the

risk of the company, and under their management, unless it may be in the three following cases:

1st. The company, as guardians of two infants in England, have received an assignment of certain U. S. 5 per cent stock, payable in 1835, amounting to \$7,451.30, which stock remained with the company unchanged on the 1st day of January, 1834; part has since been sold, and the amount, \$2,497.47, received, placed with the company, at an interest of 5 per cent.

2d. An assignment, in trust for two years, of 1,100 shares of bank stock, at the risk of the assignor, par value \$24,000, market value not known.

3d. The company has received, as receiver to the estate of John Grayson, deceased, in stocks, the amount of \$18,400, in bond and mortgage \$9,200, and the amount of \$2,100 in notes.

1st. The amount of the capital stock of the company is \$1,000,000.

The number of stockholders owning the same, on the first day of January, 1834, was 128, of whom the number residing out of the State was 23, and the amount of stock held by these, collectively, 2,605 shares. The number residing in the State, other than the trustees, was 77, and the amount of stock held by them 4,962 shares. The number of trustees acting on the 1st day of January, 1834, two vacancies to be filled, was 28.

Of whom 1 held.....	300	shares.
“ “ 1 “	250	“
“ “ 1 “	132	“
“ “ 1 “	131	“
“ “ 1 “	70	“
“ “ 15 “	50	“ each.
“ “ 8 “	100	“ each.

2d. The amount of money deposited in trust, by order of the court of chancery, and of surrogates, to be invested or kept at the risk of the company, was \$416,222.95.

Of the above sum the amount deposited in trust, for accumulation, was \$48,485.44.

The accumulation which had actually accrued on this sum, was on the 1st day of January, 1834, \$1,568.53.

3d. The amount of deposits in trust, by other persons and companies, other than monied corporations, on the 1st day of January, 1834, was \$2,609.620.73, having increased the last year \$403,611.29.

For sixty days,	\$8,116 92
" five months,	184,118 40
" one year and over,	2,417,385 41

Of which \$92,019.62 was in trust for accumulation, and the accumulation which has actually accrued on this latter sum, \$92,019.62, was \$2,598.12.

4th. The amount of deposits by banks, and other monied corporations on trust, was, on the 1st day of January, 1834, \$33,800. None of this was in trust for accumulation.

5th. The amount of interest which has accrued, become due and payable on the deposits in trust, other than trusts of accumulation, computed up to the 1st day of January, 1834, amounted to \$74,528.15.

6th. Nothing has been received by the company, and for which it is liable as guardian of the estate of infants, on the 1st day of January, 1834, exclusive of sums to be accumulated.

The amount received by the company, and for which it was liable, on the 1st day of January, 1834, after the payment of the amount ordered by the Chancellor, was \$10,825.23.

The accumulation of interest on the above amount, on the 1st day of January, 1834, amounted to \$1,415.20.

When the money received as guardians is deposited with its other funds at an interest of 5 per cent, the company being responsible for the deposit, no charge of commission or expenses is made against the fund: when there is a special deposit of stock, the charge would be one-fourth per cent for receiving, and one-fourth per cent for paying.

7th. The amount received by the company, and for which it is liable as receiver, appointed by the vice-chancellor, 19th August, 1833, to the estate of John Grayson, deceased, was on the 1st day of January, 1834, \$2,256.51.

8th. There had been three ascertained deaths, between the 1st day of January, 1833, and the 1st day of January, 1834, among individuals insured by the company. In the first case the insurance amounted to \$500, in the second to \$361, and in the third to \$4,000. These amounts have all been paid to the representatives of the deceased.

9th. The whole amount received for premiums on Life Insurance, since the commencement of the company's insuring lives, was, on the 1st day of January, 1834, \$35,949.64, including interest credited to that fund, and exclusive of losses above mentioned.

The whole number of insurances has been 504; the number of lives remaining insured by the company, was, on the 1st day of January, 1834, 368, since increased to 384.

The youngest of the lives insured in the office, is aged eight, and according to the tables hitherto used by the company, has a right to expect to live $50\frac{2}{3}$ years. The oldest life is 63, and has a right to expect to live $12\frac{1}{3}$ years. The amount of premium varies annually with the advancing ages, and cannot be answered except by reference to the tables. The amount received the last year for the insurance of lives, ending the 1st day of January, 1834, was \$20,537.15.

The amount of insurance effected by the parties, and for which the company is responsible in the event of death, is \$1,256,350.

10th. There was nothing due on the 1st day of January, 1834, on annuities from the company.

11th. The amount received for the sale of annuities on the 1st day of January, 1834, was \$15,133.91. The number of annuitants was nine.

The youngest of those for whom an annuity has been purchased is 12, and in this case the annuity is to be paid after the death of another aged 39. An individual aged 12, has, by the tables used in the office, a right to expect to live $47\frac{2}{3}$ years. The oldest of those for whom an annuity has been purchased, is aged 72, and has a right to expect to live, by the same tables, $8\frac{1}{3}$ years. The amount of annuities paid by the company annually, is \$1,430.

12th. The amount of all dividends unpaid, to the stockholders entitled to the same, on the 1st of January, 1834, was \$2,516.

13th. To the thirteenth interrogatory, the trustees beg leave to answer, that of this class of deposits, the company have none. The trustees have not been unmindful that the interest and convenience of depositors in trust, by will, may frequently induce them to this species of deposit, and have therefore passed the following resolutions for their government in all cases:

Resolved, Where the company shall be appointed trustees, either by deed, or last will and testament, and no provision shall be made for their compensation by the instrument creating the trust, the same commissions shall be charged, as are allowed by law to executors and guardians, and where a discretion shall be given to the company when so appointed trustees to receive, themselves, the trust moneys, as a deposit, allowing interest thereon at a rate not exceeding 5 per cent, the company, if they shall exercise the discretion so given, will not charge any commission on the payment of either principal or interest of the moneys received on deposit.

14th. On the 1st of January, 1834, there were no debts or demands, known of against the company, outstanding and unpaid, other than have been mentioned in answer to the foregoing interrogatories, either absolutely due or payable at any contingent event, nor is it known that any are claimed not admitted by the company.

15th. There had been no bad debts made by the company, on the first day of January, 1834, in any of its operations since the commencement of its business. There is however one debt of \$20,000, where the company apprehend some loss; the value of the security, it is feared, may fall short of the demand. This is not yet ascertained, as the mortgage is not foreclosed, nor the sufficiency of the personal security ascertained. Nor is there any debt due to the company on which interest has been due more than a year, or for a longer time than may be accounted for by accidental circumstances, want of notice, sickness, absence or death, which in all transactions interfere with absolute punctuality, excepting in the cases already mentioned.

The company have declared six dividends on the capital stocks of the company. One on the first day of July, 1831, of three per cent; one on the 3d day of January, 1832, of 3 per cent; one on the 1st day of July, 1832, of 3 per cent; one on the 1st day of Janu-

ary, 1833, of 3½ per cent; one on the 2d day of July, 1833, of 3½ per cent; and one on the 7th day of January, 1834, of 4½ per cent.

The name and residence of the trustees are,

Wm. Bard,	New-York,	Wm. B. Lawrence,	New-York,
James Kent,	do	Jonathan Goodhue,	do
Thos. J. Oakley,	do	Samuel Thompson,	do
Gulian C. Verplanck,	do	Peter Remsen,	do
John Mason,	do	Jno. Rathbone, Jr.	do
James McBride,	do	Peter Harmony,	do
John Duer,	do	H. C. De Rham,	do
Stephen Whitney,	do	Erastus Corning,	Albany,
Thomas Suffern,	do	Isaiah Townsend,	do
Nathaniel Prime,	do	Benjn. Knowler,	do
John G. Coster,	do	Benj. F. Butler	do
John Jacob Astor,	do	Stephen Van Rensselaer,	do
Isaac Bronson,	do	Thos. W. Ludlow,	New-York,
Nicholas Devereux,	Utica,	Peter G. Stuyvesant,	do

The officers of the company are William Bard, president, Edward A. Nicoll, secretary, Charles C. Palmer, assistant secretary, and Philip R. Kearney, clerk, all residents of the city of New-York. The salary of the president is \$4,000 per annum, of the secretary \$3,000, of the assistant secretary \$1,000, and of the clerk \$700.

The counsel of the company are John Duer and Beverly Robinson, residing in the city of New-York, and Benjamin F. Butler, of the city of Albany, all of whom are without salary.

The trustees annex a copy of all by-laws, and of all the resolutions of a permanent character which are now in force.

The board beg leave, in conclusion, to state that sums loaned on stocks and bills receivable, excepting what it may be necessary so to hold for the purpose of meeting sudden demands, they consider temporary investments till the amount can be re-invested on bond and mortgage.

The board submit the balance sheet laid before them on the 7th day of January, 1834, a similar balance sheet being presented to them monthly, by the officers of the company.

Capital on bond and mortgage in the

city, at 6 per cent.....	\$137,591 94	
In the country, at 6 per cent,.....	48,652 57	
do do do 7 do	813,755 49	
	<hr/>	\$1,000,000 00

Loans on bond and mortgage in the

city at 6 per cent,.....	\$171,174 97	
do do do at 7 per cent,.	176,501 84	
In the country, at 6 per cent,.....	2,500 00	
do do at 7 per cent,.....	1,969,875 30	
Bonds, at 6 per cent,.....	15,800 00	
do at 7 per cent,.....	27,753 34	
	<hr/>	2,363,605 45
Bills receivable at 6 per cent,	\$101,000 00	
do do at 7 per cent,	283,216 67	
	<hr/>	384,216 67

Loans on stock,

for a period, at 6 per cent,.....	25,000 00	
do do at 7 per cent,.....	62,000 00	
on demand, at 7 per cent,.....	312,219 00	
	<hr/>	399,219 00

Albany city stock,.....	\$45,600 00	
Insurance bond and mortgage acct.	557 17	
Annuity purchased,.....	1,489 80	
Real estate,	42,861 85	
Interest on deposits,	58,265 81	
do on loans to company,.....	1,756 79	
Expenses,	14,293 19	
Cash due from country banks, &c..	41,685 46	
Balance in bank,	7,624 39	
	<hr/>	214,384 46
		<hr/>
		\$4,361,375 58
		<hr/>

Capital,.....	1,000,000 00	
Deposits in trust, a 3 pr ct.,.....	\$8,116 92	
do a 4 pr ct.,.....	217,916 40	
do a 4½ pr ct.,.....	892,834 11	
do a 5 pr ct.,.....	1,794,269 19	
do a 6 pr ct.,.....	6,000 00	
	<hr/>	2,919,138 62

Amount carried forward,..... \$3,919,138 62

Amount brought forward,.....		\$3,919,188 62	
Trust of accumulation, a 4 pr ct.,..	\$7,478 66		
do a 4½ pr ct.,.	66,733 71		
do a 5 pr ct.,..	66,292 69		
			140,505 06
Guardianship ac.,.....	\$10,825 23		
Receivership ac.,.....	2,256 51		
Life insurance,.....	34,937 92		
Annuities granted,.....	15,133 91		
			63,152 67
Interest rec'd on bond and mortgage,	\$101,324 76		
do on stock loans,.....	22,747 99		
do on bills receivable, ..	14,882 52		
do on stocks,.....	1,475 00		
			140,430 27
Unclaimed dividends,.....		2,516 00	
Surplus funds,.....		92,780 86	
Profit and loss,.....		2,027 10	
Rent ac.,.....		825 00	
			<u>\$4,361,375 58</u>

At a meeting of the board of trustees, held January 25th, 1834.

Present:

Wm. Bard,	James McBride,
Isaac Bronson,	John Duer,
Gulian C. Verplanck,	Stephen Whitney,
Thomas J. Oakley,	Thomas Suffern,
John Mason,	John G. Coster.
H. C. DeRham,	

Resolved, on motion of Judge Oakley, seconded by Stephen Whitney, that the trustees having heard the report to the Chancellor, prepared by the president and secretary, approve the same, and direct the president to sign it in the name of the trustees, and transmit it to the Chancellor.

Extract from the minutes.

E. A. NICOLL, *Sec'y.*

BY-LAWS,

Adopted June 15, 1830.

1. There shall be a stated meeting of the trustees on the first Tuesday in every month, to which a report shall be made by the president, of the concerns and business of the company during the past month, stating particularly the contracts that have been made, the sums of money that have been received and on what account, the manner in which the same shall have been invested, and the amount remaining on hand.

2. The president may call a special meeting of the trustees whenever he shall deem it proper. He shall also call a special meeting whenever any three of the trustees shall request him in writing to do so. Every special or stated meeting shall be called by a notice in writing to each trustee.

3. Nine trustees shall be a sufficient number to form a quorum for the transaction of business; but no by-law shall be adopted, nor any change or alteration made in the by-laws before established, unless at a meeting at which a majority of the whole number of trustees shall be present, and upon a report of a committee appointed for that purpose.

4. The president shall preside at all meetings of the trustees. He shall be a member ex officio of all standing committees. He shall attend the meeting of any special committee, when required by the chairman.

5. The president shall have the general direction and superintendence of the affairs of the company, and in all cases where the duties of the subordinate officers and agents of the company are not specially prescribed by the by-laws or by a resolution of the board, they shall obey the orders or instructions of the president.

6. The president and secretary shall have power to make contracts of insurance on life, and for granting annuities in the name of the company, and to execute the same; and shall also have power to receive moneys in trust, when the rate of interest to be allowed shall not exceed four per cent, and to allow 4½ per cent on all deposits for a period over one year.

7. The seal of the company shall be under the exclusive charge of the president, and shall not be affixed by him to any deed, conveyance, or instrument whatever, except contracts of insurance, for annuities, and certificates acknowledging satisfaction of mortgages, unless by virtue of a special resolution of the board.

8. The president shall give a bond for the faithful performance of his trust, with sureties to be approved by the board, in the penalty of twenty thousand dollars; such bond shall be annually renewed, and new or additional securities may at any time be required by the board. Every bond so taken shall be so drawn as to remain in force until another bond be substituted.

9. The following standing committees to consist each of such trustees as may from time to time be appointed by the board, not less than four, nor more than six, which committees shall hold their offices until others are appointed in their room, shall be elected quarterly by ballot at a meeting at which not less than a majority of the whole number of trustees shall be present, namely: a committee of finance, a committee of investments, and a committee of trusts.

10. The committee of finance shall superintend and direct all investments that shall be made of the funds of the company, other than its capital, in stocks and personal securities, and shall receive and audit all accounts against the company.

11. The committee of investments shall superintend and direct all investments that shall be made of the capital and other funds of the company, in bonds and mortgages, or other real securities.

12. The committee of trusts shall have the general superintendence of all special trusts; and no guardianship, receivership, or other special trust shall be accepted by the president in behalf of the committee, without their approbation and concurrence; nor without their approbation shall any moneys be received in trust on which a greater interest than four per cent shall be allowed.

13. The three standing committees shall together form a general standing committee, whose duty it shall be to determine from time to time what funds of the company, other than its capital, shall be invested in bonds and mortgages, and other real securities; and what funds in stocks, and other personal securities.

14. Regular minutes of the proceedings and resolutions of each committee shall be kept in books to be provided for that purpose; and each committee shall make a monthly report of its proceedings to the board.

15. No sum of money of a less amount than one hundred dollars shall be received in deposit.

16. Certificates of moneys received in trust, specifying the duration and terms of the trust shall be issued, when required by the person creating the trust; but in such cases, the money so received shall only be payable when due, on the production of the original certificate.

17. Separate books of transfer shall be kept, in which transfers of shares of capital stock and of certificates of trust, when the same are assignable, shall be entered by the person entitled to make such transfer, or his special attorney; but in every such transfer, the certificate before issued, shall be delivered up, and a new certificate or certificates shall be issued.

18. Every report of a standing or special committee shall be in writing, and signed by the members of such committee assenting thereto.

The president shall, in case of sickness or temporary absence, be authorised to appoint a president pro tem. to perform the duties of president.

May 1, 1832.

If any person claim a certificate of the stock of this company, or a certificate of deposit to be issued in lieu of one lost or destroyed, he shall make an affidavit of the fact, and state the circumstances of the loss or destruction, and he shall advertise in one or more of the public newspapers in the city of New-York for the space of six weeks, an account of the loss or destruction, describing the certificate, calling on all persons to show cause why a new certificate shall not issue in lieu of that lost; and he shall transmit to the company his affidavit, and the advertisement before mentioned, and give to the company a satisfactory bond of indemnity, with one or more sureties if required, in double the amount of the certificate so lost, against any damage that may arise from issuing a new certificate; whereupon the president shall, six months after the notice by advertisement as aforesaid, issue a new certificate of the

number and tenor with that said to be lost or destroyed, and specifying that it is in lieu thereof.

April 3, 1832.

1. No loan shall be made by the company on security of village or country real estate beyond half the value, as nearly as can with reasonable diligence be ascertained, of the property offered as security.

2. No interest shall be allowed to remain due longer than six months, on any bond and mortgage to the company, without a foreclosure or suit being directed by the president, unless the board direct a longer delay.

3. The company shall not under any foreclosure or judgment, become the purchaser of mortgaged property, by bidding beyond the amount that is due to the company, of principal, interests and costs.

4. If the company become the holders of real estate by purchasing under foreclosure or judgment, the company shall sell the same as soon as principal and interest, and costs can be realized.

5. Excepting for the purposes of securing suitable offices and conveniences for the conduct of business, and for the purpose of securing themselves against loss of money due to them by the way of mortgage or judgment on the property so held, the company shall hold no real estate whatever, directly or indirectly.

The following regulations were adopted at a meeting of the Board on the 16th June, 1830:

All moneys deposited in trust for a shorter term than one year, shall be deposited for a certain number of months, not less in any case than two months from the date of the deposit.

Interest at the rate of three per cent will be allowed on moneys not deposited for a longer term than four months; when the term shall exceed four months and be less than a year, four per cent will be allowed; when the deposit shall be made for a year, four and a half per cent will be allowed; when the deposit shall exceed a year, the rate of interest shall be settled by special agreement.

In all cases where the moneys deposited shall not be withdrawn at the expiration of the term of deposit, they shall remain with the

company for another period of not less than thirty days, and be allowed the same interest as if originally deposited for the extended period.

Where the time of deposit shall exceed a year, interest may be made payable before the principal shall become due, annually, half-yearly or quarterly, as may be agreed on.

Where the deposit shall be for a shorter term than a year, no interest will be paid until the principal becomes due.

Where moneys so deposited for a period less than a year in trust, shall have remained in deposit for sixty days, the same may be withdrawn at any time thereafter, and before the period for which the deposit was originally made; but in such cases no interest will be paid on such deposits.

The above regulations shall not extend to moneys deposited by order of the court of chancery, or of any other court.

RESOLUTIONS.

September 7th, 1830.

Resolved, That the duty of advising the president in relation to the insurance on lives and granting annuities, be performed by the committee of trust.

February 1st, 1831.

Resolved, on motion of Judge Oakley, seconded by Mr. Prime, That deposits over one thousand dollars are not to be withdrawn, without three days notice.

May 3d, 1831.

Resolved, on motion of Mr. Hone, seconded by Mr. Prime, That the dividends to be declared by the company on the capital stock be made in the months of January and July in each year.

June 7th, 1831.

Resolved, on motion of Mr. Prime, seconded by Mr. Bloodgood, That the trustees of this company, desirous of complying where they can, with the expressed wish of the chancellor, and of promoting the public interest by affording every facility within their power, to the court of chancery, will, in future, allow an interest of five per cent on all deposits directed as above by the chancellor.

Resolved, on motion of Mr. Bloodgood, seconded by Mr. Duer, That the above rule, allowing five per cent, shall be extended to deposits by surrogates and vice-chancellors of this State.

Resolved, That the above resolutions, relative to the allowance of interest on deposits by order of the chancellor, or by the vice-chancellor or surrogates, shall remain in force till further ordered, and of which further order notice shall be given, and shall then only affect such deposits as may be made subsequently to such further orders.

December 6, 1831.

Resolved, when the company shall be appointed trustees, either by deed or last will and testament, and no provision shall be made for their compensation by the instrument creating the trust, the same commissions shall be charged as are allowed by law to executors and guardians, and where a discretion shall be given to the company when so appointed trustees, to receive themselves the trust moneys as a deposit, allowing interest thereon at a rate not exceeding five per cent. The company, if they shall exercise the discretion so given, will not charge any commission on the payment either of the principal or the interest of the moneys so received in deposit.

January 3, 1832.

Resolved, on motion by chancellor Kent, seconded by Mr. Prime, That the Carlisle tables, calculated at four per cent, with the addition of thirty-five per cent, be the rules by which this company shall in future be governed in making insurance and granting annuities, such change being made in consequence of the report of the president and professor Anderson, in pursuance of the resolutions, passed at the last meeting of the board.

May 2, 1833.

Resolved, on motion of Walter Bowne, seconded by James McBride, That the board will in future insure when desired by applicants, to the amount of ten thousand dollars.

Resolved, on motion, That the president be authorized to take extra risks with the approbation of the committee of trusts, and to insure such risks at rates agreed on between him and the applicants.

June 4, 1833.

The committee appointed to take the subject into consideration reported, that the standing committees shall be appointed annually, by ballot, on the same day on which the president is chosen; namely, a committee of finance, a committee of investments, and a committee of trusts. The committee of finance shall consist of six trustees exclusive of the president; and each of the other committees, of four trustees exclusive of the president; which report on motion was adopted.

The committee to whom was referred the subject of compensation for the services of counsel in the city of New-York, reported, that they had considered the subject, and that they recommended, till further ordered, that five dollars be allowed on every bond and mortgage taken, out of the city of New-York, where the loan is \$2,000 and under. And that ten dollars be allowed where the loan is over \$2,000. The above report was accepted.

July 2, 1833.

The committee to whom it was referred, report, that in order to meet the suggestions of the chancellor, it is advisable to amend the 12th by-law, by inserting after the words "approbation or concurrence" the following exception: "excepting such special trusts as shall be conferred on the company, by the court of chancery, or a surrogate having jurisdiction."

September 3, 1833.

Resolved, on motion, That the seal of the company shall be under the exclusive charge of the president, and shall not be affixed by him to any conveyance, assignment or transfer of any of its real estate, or of any of its effects, exceeding the value of \$1,000, unless authorised by a resolution previously made by the board of trustees; nor to any other instrument whatever, without the consent of a majority of one of the standing committees, excepting to contracts for the insuring of lives and granting annuities, certificates acknowledging the satisfaction of mortgages, certificates of deposit, or other evidence of debt, in the transaction of its ordinary business.

November 5, 1833.

Resolved, on motion, That before the papers connected with a country loan are approved by the counsel of the board, there shall

[Senate No. 59.]

be a statement by the agent, accompanying the papers, of all expenses that the borrower has been put to in obtaining the loan.

City and County of New-York, ss:—

Wm. Bard being duly sworn, and being president of the New-York Life Insurance and Trust company, deposeth and saith: That the above answer to the chancellor's order of the 19th November, 1831, is, to the best of his knowledge and belief, true; and that the resolution annexed is an extract from the proceedings of the trustees at a meeting held 25th January, 1834; and that the by-laws annexed is a true copy of all the by-laws and of all the resolutions of a permanent character, passed by the trustees.

WM. BARD, *Pres't.*

Sworn to before me this 29th day }
of January, A. D. 1834. }

D. HOBART,
Commissioner of Deeds.

City and County of New-York, ss:—

Edward A. Nicoll, secretary of the New-York Life Insurance and Trust company, being duly sworn, deposeth and saith: That the above answer to the chancellor's order of the 19th November, 1831, is, to the best of his knowledge and belief, true; and that the resolution annexed is an extract from the proceedings of the trustees at a meeting held 25th January, 1834; and that the by-laws annexed is a true copy of all the by-laws and of all the resolutions of a permanent character, passed by the trustees.

EDW'D. A. NICOLL, *Sec'y.*

Sworn to before me this 29th day }
of January, A. D. 1834. }

D. HOBART,
Commissioner of Deeds.

Received January 31st, 1834.

R. HYDE WALWORTH.

IN SENATE,

February 15, 1834.

REPORT

**Of the committee on literature, on the memorial of
the trustees of Hamilton College.**

Mr. Van Schaick from the committee on literature, to whom
was referred the memorial of the trustees of Hamilton college,

REPORTED:

The petition states, "That at the last session of the Legislature, your memorialists presented their petition, asking for pecuniary aid, which, in the Senate, was referred to a committee, who, as your memorialists are informed, reported a bill for their relief; and that, for the reasons stated in their former petition, they now request the Legislature to pass the bill so reported, or such other bill as your wisdom may suggest.

"As farther reasons for the passage of a law granting pecuniary aid to your memorialists, they state, that Hamilton college is now in successful operation, and has more than one hundred students, with a prospect of large future accessions; that its *present* funds are not sufficient to enable it to go on without becoming insolvent, and that, to its continued existence, *immediate* pecuniary aid from the Legislature is indispensable.

"It may have been thought an error, on the part of the corporation of this college, many years since, to expend so large a portion of its funds in the erection of college edifices; yet there is now a prospect that all the buildings will soon become necessary for the use of the institution. And when we reflect that the college is seated in the geographical centre of the State, as well as in the centre of its population now exceeding two millions, and in a tract

of country of almost unrivalled fruitfulness and salubrity, and that it derives its pupils from more than fifty flourishing chartered academies, we shall cease to impute this as an error to the trustees.

"Your memorialists are now fully persuaded that, by the liberality of their fellow-citizens, and with the fostering aid of the Legislature, the institution committed to their care may be made one of great usefulness and second to none in our country. They have already adopted the highest standard of education in it; and they have the satisfaction to state, that the standard in the academies and common schools within the sphere of its influence is becoming proportionally elevated.

"In conclusion, your memorialists would respectfully submit, whether the general diffusion of education among all classes is not the most effectual safeguard of our republican institutions, and whether well-conducted colleges, by giving a powerful impetus to the prosperity of our academies, do not exert a most important and salutary influence, in diffusing a good common school education, in every section of the State."

The trustees represent to your committee, that by a law of 1812, the college received in bonds and mortgages, from the State,	\$50,000 00
And in 1814, from lotteries,....	40,000 00
	<hr/>
	\$90,000 00

And that the private subscriptions to the college were,
nominally,..... \$50,000 00

But of this last sum a considerable portion was in land, valued by the donors at the high paper prices of that day, and is still on hand, not having been found saleable at any price; while a considerable amount more has been sold much below the valuation, to meet the necessities of the college.

The trustees have erected four large substantial stone edifices four stories high, at a cost, including the levelling and arrangement of the college grounds, of more than \$100,000. They have also purchased a valuable library and a philosophical and chemical apparatus, at a very considerable expense. These expenditures left only a remnant of their available means, and that has been consumed in maintaining the officers and in other current expenses of the college, during a period of 22 years, since it was founded.

Your committee have put the statement in this form to show that the college has never been in possession of the advantages to be derived from a certain revenue; that it at no time possessed a literary fund, the capital having been sunk in the buildings; and that, if the \$90,000 had been suitably invested for the benefit of the college, and the interest only paid to the trustees for literary purposes exclusively, there would have been no pretence for another application to the Legislature for pecuniary aid.

The trustees further represent, that five years ago the college had a president, one tutor and nine students; and that now, in February, 1834, it has a president, four professors, two tutors and 104 students. The term fees are, for the two first years \$21 each, and for the two last years \$30 each; making an average charge of \$25.50 each, which, for 100 students, is \$2,550. The room rent is \$9 a year.

The annual expenditures of the college are,

Salary of president,	\$1,000 00
And for every 100 students,	400 00
Three professors, at \$800 each,	2,400 00
One professor,	500 00
Two tutors, \$450 each,	900 00
Secretary and treasurer,	340 00
Keeper and inspector of buildings,	200 00
Contingencies and repairs,	300 00
	<hr/>
	\$6,040 00

The annual receipts are,

Tuition of 100 students, at \$25.50 each, ...	\$2,550 00
Room rent,	900 00
	<hr/>
	3,450 00
Annual deficiency at the present rates of tuition and room rent,	<hr/>
	\$2,590 00

It will be noticed that the salaries are all reduced to the lowest living rates, and that those members of the faculty who have families must exercise the most severe economy to pay the expenses of the year, and can lay by nothing as a provision for old age.

The trustees further represent, that in July last, they commenced a subscription for the purpose of raising a sum of money for the permanent endowment of the college. The conditions of the subscription paper were, that it should not be binding unless \$50,000 was subscribed before the 1st day of July next, and that the sums subscribed were to be payable in four annual instalments, commencing on the 1st day of August next. Seven months of the period have expired, and in that time the trustees have procured subscriptions to the amount of \$39,000. This, your committee has reason to believe, has been effected, principally, through the instrumentality of the distinguished president of the college, Dr. Dwight, and the effort appears to have been made under circumstances of privation and labor, such as are seldom encountered in pursuit of a public object. The perseverance and moral courage which has so far crowned it with success, cannot be too highly applauded. But though a man, firm in the beneficent purpose of living for others more than for himself, may ardently devote his faculties in the laudable attempt to sustain an institution, which, if successful, must for ages to come confer the most important advantages upon the community, yet "hope deferred maketh the heart sick," and if the effort finally fails, it will fail not because industry, fortitude and skill were not applied to the task, but because the animating incentive of public liberality was not extended to the institution in the most critical period of its struggles for existence.

The trustees represent, that they have no available fund, and that without legislative aid they cannot continue the operation of the college beyond the present collegiate year.

The college, by its location, accommodates the population of the middle and western sections of the State, many of whom will be obliged, if it is discontinued, to send their sons to colleges in other States. Already this practice prevails to an injurious extent. It is shown by the returns of ten colleges, in seven neighboring States, that there are no less than 273 students from the State of New-York; and it is asserted, that these spend for travel, board, education, &c. not less than an average of \$300 per annum, which for 273 persons, amounts to an annual contribution made by the State of New-York to other States, of \$81,900, for education in the higher branches of learning.

The colleges, and number of students referred to, are as follows:

Yale,	61
Brown,	9
Amherst,	18
Williams,	29
Burlington,	12
Middlebury,	18
New-Brunswick,	*20
Princeton,	25
Pittsburgh,	*30
Cincinnati,	*51
	<hr/>
	273

The Maynard legacy, for founding a law institute in the college, is \$20,000. The accomplished statesman who made this bequest has gone to his bright reward, and left this example of his confidence in the permanent usefulness of the college, for the imitation of all who delight in promoting the solid interests of the people.

In addition to this bequest, Mr. Maynard gave to the college a remaining portion of his property, as his residuary legatee. This is estimated as worth \$5,000, but it is not as yet available.

If the college is now abandoned, it must lose not only its present rank, but also all the advantages which have been enumerated.

It must lose the subscription of	\$39,000
The Maynard endowment,	20,000
The residuary estate, amounting to	50,000
And the buildings will become useless, which cost more than	100,000

The trustees are anxious to hold the ground they have earned by their own labor, and by the labor, the sacrifices, and the reputation of the president and professors. If the State cannot afford to give them \$20,000 in money down, for immediate relief, we now in their behalf appeal to the paternal care and generosity of the Legislature, to extend to them so much encouragement as will allay the apprehensions of their friends and subscribers, and enable them to

* Those returns are not official, but are believed to be in the aggregate below the actual number.

close the subscription list successfully. This is a consideration of deep importance to the future prosperity of the college. Not less so is that which regards those young men residing in the western and middle counties of the State, who are preparing to enter some college. Let it be shown that a steadfast purpose is entertained to uphold and continue this institution, and such numbers of them will not go abroad to acquire that classic instruction, which it is the duty of the State to provide for them within her own borders.

With these facts before him, can any man under the influence of that mild and reflective temper which can alone with safety be admitted into council upon a case like this; can any such man say that it will be discreet and wise in the Legislature to suffer Hamilton college to go down, so that the State may save a few thousand dollars: on the contrary, will it not be good policy to give the college some little assistance, if thereby its funds can forever hereafter be placed upon a safe and productive footing? To this point your committee have arrived. In its being not merely tenable but rational and wise, they have the utmost reliance. The principle proposed is, to place the fund out of the reach of the trustees; the State to contribute from its treasury \$20,000 in four years, and the college \$40,000 in four years, out of the subscriptions which it is supposed this arrangement will secure. Upon the pay of the pupils, the balance of the expected subscription over \$40,000, and the residuary legacy of Mr. Maynard, or upon some uncertain eleemosynary aid, the college must maintain itself, if it can, until the fund is productive.

This project if successful will create a permanent fund of \$60,000, which is to be invested by the Comptroller in bonds and mortgages, and the income only to be paid by him to the trustees, who are to apply it exclusively to the compensation of the salaries of the president, professors, and other tutors of the college. Under this system, if the trustees find it necessary to construct or repair a building, they will be obliged to beg for the money; unless by elevating the reputation of the college to a very high standard, it might be possible and politic to advance the price of tuition a little, and from their savings to create a contingent fund for such purposes.

Your committee are of opinion, that should the Legislature in its wisdom be induced to encourage and protect the college, even to the moderate extent proposed, it will give a new spring to the hopes of its friends, and inspire new desires of future eminence in

the pursuits of literature and philosophy, both among the tutors and students. They derive this sentiment from the knowledge, that some of the scholars at the head of the institution, who are responsible for its success, are inferior in abilities and acquirements to none in the country: and that they are imbued with a just and discriminating sense of the honorable and distinguished stations which they occupy, not only in the minds of their pupils, but in the eyes of every citizen who reveres purity of character and exalted mental endowments.

They also believe, that the immediate consequence of the patronage granted by the State will be, to increase the number of pupils who will apply for admission to the college at the next term; and it is reasonable to calculate, considering the rapid increase of the population of the country adjacent to the college, that the number of students will be augmented in a few years to 300. One year ago, about 20 students were entered; this last year, either 48 or 49. From nine students, who a few years since roamed through the solitary halls of the college, the number has increased to 104. This has been accomplished without funds, by pinching down the salaries of the tutors, and by the most arduous labors in its classical and financial departments. But it has now come to this: the struggle can be maintained no longer, without some encouragement. The experiment of sustaining the college, thus nobly made by men who deserve the highest praise for their intrepidity and self-denial, must fail; because, without resources it is necessarily falling into debt, and with decreasing expectations as to the result of its subscription, unless private liberality is now stimulated by public aid, the prospect before the trustees is gloomy and hopeless.

An instance is not known of a college supporting itself from the pay and room-rent of its pupils, unless it may be in countries where extravagant charges for instruction can be made, and classical education is consequently confined to the wealthy and aristocratic ranks. But our schools and colleges are intended to benefit every rank to the fullest extent that circumstances of condition and opportunity may allow. It is as much impossible for this college as for every other in the country, to sustain itself from the profits of its labor. They must all depend upon public and private liberality. Hamilton College has never possessed a permanent fund. Secure this advantage to it now, and let the experiment of its utility be fairly made.

The energy lately displayed in the management of the affairs of the college, has raised its reputation; and the subscriptions already obtained, exhibit an increasing interest in its success, on the part of the public.

It is a fact highly honorable to the refined taste and love of literature of the young men who are connected with this institution, that they were greatly instrumental in disseminating among their relations and acquaintance a patriotic desire to support the college; and it is probable that the timely enthusiasm and interference of the students aided the subscription list more than any other separate cause. Let us not quench this virtuous spirit, unless we can produce such reasons for our conduct as will satisfy the minds of that ingenuous and uncorrupted class of young men in the west, who prefer to spend the happy days of youth in the classic walks of academic halls, to the besotting and murderous revels of the neighboring dram shops, or to those other debasing retreats where every sensual and spiritual passion of our nature worships the gilded idol which it deifies.

If this appeal should fail, there are those who will deeply sympathise with the noble spirited young men of the west, and with their enlightened and able instructors. But courage and perseverance are qualities which spring native from our soil; and before the trustees and professors abandon the college, let them again appeal to individual liberality, remembering the language of professor Miinche, of the Heidleburgh University:

“It is of the highest importance, that the founders and reformers of public institutions for the intellectual and moral education of youth should not be discouraged in their praise-worthy efforts by the many difficulties which they are obliged to encounter. Let them persevere, in spite of obstacles, in their noble enterprise; for what on earth is more important than the human mind; and what can deserve greater efforts than to provide for its proper development?”

Believing the education of the youth of the State, to be the most important subject that can engage the attention of the Legislature, your committee have endeavored to discharge their duty in their report, by placing the considerations which ought to influence the judgment of the Legislature, in regard to the endowment of Hamilton College, in a fair and just light.

The objects to be accomplished, are, to enable the trustees to complete and secure the subscriptions beyond the apprehension of failure; to save the Maynard legacies from becoming lapsed; to retain at home a portion of the 373 young men who are induced to frequent the classic schools of other States, and to establish the college upon a foundation which will not only preserve it from ruin, but will enable it to meet the increasing demands for education in the middle and western counties of the State.

Believing the assertion in the petition to be strictly true, "that immediate pecuniary aid from the Legislature is indispensable," but at the same time being fully aware of the intrinsic and adventitious difficulties which must certainly defeat an application in that form, your committee have undertaken to suggest an arrangement which will impose no burthen upon the treasury, but which it is trusted may turn out to be sufficiently encouraging to the trustees, to induce them to retain their president and tutors, and to enable them to procure immediate aid from other quarters.

With these views, your committee beg leave to introduce a bill to create and secure a fund for the benefit of Hamilton College.



IN SENATE,

February 18, 1834.

REPORT

Of the Comptroller, relative to the Bank Fund.

COMPTROLLER'S OFFICE, }
Albany, February 18, 1834. }

TO THE SENATE.

The Comptroller, to whom was referred by the Senate a resolution of the 13th instant, requiring a statement of "the amount of moneys already paid towards the Bank fund, specifying in the report the capital of each bank, the whole amount paid by each, and the number of payments made by each, and the sum invested,"

RESPECTFULLY REPORTS:

That a statement has been prepared, in obedience to the foregoing resolution, and is hereunto annexed, which exhibits in corresponding columns, the capital of each bank embraced in the Safety fund system, the contributions in each year, and the total amount paid by each bank up to and including the month of January of the present year.

The contributions to the Safety fund for the last four years have been as follows, viz:

1830	\$26,983 67
1831	62,627 62
1832	94,295 60
1833	105,139 54

Total paid into the treasury,..... \$289,046 43

On the first of February, an investment of \$12,000 was made for the Bank fund, in the 5 per cent stock issued to John Jacob Astor, at three-fourths of one per cent below par. It is the intention of the Comptroller to borrow the residue of the contributions of 1833, \$94,876.18, for the use of the treasury, and to issue stock therefor at 4½ per cent, as he is authorized to do, by the 5th section, chapter 274 of the Laws of 1833.

The sum invested and the condition of the fund may therefore be stated as follows:

Invested in State stock, viz:	
Canal debt, bearing interest at 5 per cent,.....	\$8,082 40
Astor debt, 5 per cent,.....	92,000 00
General fund debt, at 4½ per cent,.....	178,026 01
<hr/>	
Total sum invested,.....	\$278,108 41
<hr/>	

There is due from revenue to capital, \$10,938.02. This sum, by the fourth section of the act concerning the Bank fund, before referred to, must be paid from the revenue of the fund to the capital thereof, before any part of the income can be paid to the corporations.

The revenue of the Bank fund for the current year, will amount to \$11,236.34.

Respectfully submitted,
A. C. FLAGG, *Comptroller.*

A STATEMENT showing the amount of moneys paid towards the Bank Fund, the amount of capital of each Bank, and the whole amount paid by each.

COUNTIES.	Capital.	Contributions for 1836.	Contributions for 1837.	Contributions for 1838.	Contributions for 1839.	Total contributions.
<i>Albany City and County.</i>						
Bank of Albany,	240,000	1,200 00	1,200 00	1,200 00	1,200 00	4,800 00
Canal Bank,	300,000	1,333 33	1,500 00	1,500 00	1,500 00	5,833 33
Mechanics' and Farmers' bank,	442,000	2,138 18	2,210 00	2,210 00	2,210 00	8,768 18
New-York State Bank,	369,600	1,682 94	1,734 28	1,766 94	1,766 94	6,951 10
<i>Broome County.</i>						
Broome County Bank,	100,000	0 00	83 33	500 00	500 00	1,083 33
<i>Cayuga County.</i>						
Bank of Auburn,	200,000	1,000 00	1,000 00	1,000 00	1,000 00	4,000 00
Cayuga County Bank,	250,000	0 00	0 00	0 00	455 48	455 48
<i>Chautauque County.</i>						
Chautauque County Bank,	100,000	0 00	0 00	482 20	500 00	982 20
<i>Chenango County.</i>						
Bank of Chenango,	120,000	600 00	600 00	600 00	600 00	2,400 00
<i>Columbia County.</i>						
Hudson River Bank,	150,000	116 44	500 00	645 84	750 00	2,012 28
<i>Dutchess County.</i>						
Bank of Poughkeepsie,	100,000	70 82	500 00	500 00	500 00	1,570 82
<i>Erie County.</i>						
Bank of Buffalo,	200,000	0 00	333 33	1,000 00	1,000 00	2,333 33
<i>Essex County.</i>						
Essex County Bank,	100,000	0 00	0 00	58 90	500 00	558 90

(CONTINUED.)

COUNTIES.	Capital.	Contributions for 1830.	Contributions for 1831.	Contributions for 1832.	Contributions for 1833.	Total contribu- tions.
<i>Genesee County.</i>						
Bank of Genesee,.....	100,000	395 83	500 00	500 00	500 00	1,895 83
<i>Greene County.</i>						
Catskill Bank,.....	150,000	636 86	750 00	750 00	750 00	2,886 86
Tanners' Bank,.....	100,000	0 00	166 67	500 00	500 00	1,166 67
<i>Herkimer County.</i>						
Herkimer County Bank,.....	200,000	0 00	0 00	0 00	341 55	341 55
<i>Jefferson County.</i>						
Jefferson County Bank,.....	80,000	400 00	400 00	400 00	400 00	1,600 00
<i>Kings County.</i>						
Brooklyn Bank,.....	200,000	0 00	0 00	175 00	1,000 00	1,175 00
<i>Lewis County.</i>						
Lewis County Bank,.....	100,000	0 00	0 00	0 00	57 53	57 53
<i>Livingston County.</i>						
Livingston County Bank,.....	100,000	166 67	500 00	500 00	500 00	1,666 67
<i>Madison County.</i>						
Madison County Bank,.....	100,000	0 00	166 67	500 00	500 00	1,166 67
<i>Montgomery County.</i>						
Montgomery County Bank,.....	100,000	0 00	125 00	500 00	500 00	1,125 00
<i>Monroe County.</i>						
Bank of Monroe,.....	300,000	1,333 33	1,500 00	1,500 00	1,500 00	5,833 33
<i>New-York City.</i>						
Bank of America,.....	2,001,200	0 00	4,851 00	9,702 00	10,006 00	24,559 00

Butchers' and Drovers' Bank,.....	300,000	0 00	1,299 87	1,500 00	2,028 76	4,826 63
City Bank,	720,000	0 00	1,800 00	3,600 00	3,600 00	9,000 00
Greenwich Bank,.....	200,000	0 00	972 22	1,000 00	1,000 00	2,972 22
Mechanics' Bank,	2,000,000	0 00	4,356 17	10,000 00	10,000 00	24,356 17
Merchants' Bank,	1,480,000	0 00	2,729 17	6,550 00	6,550 00	15,829 17
Seventh Ward Bank,	500,000	0 00	0 00	0 00	595 89	595 89
Merchants' Exchange Bank,	750,000	0 00	1,191 78	3,750 00	3,750 00	8,691 78
National Bank,.....	750,000	0 00	2,406 25	3,750 00	3,750 00	9,906 25
Bank of New-York,.....	1,000,000	0 00	2,500 00	5,000 00	5,000 00	12,500 00
Phoenix Bank,.....	500,000	0 00	1,102 74	2,500 00	2,500 00	6,102 74
Union Bank,.....	1,000,000	0 00	4,347 22	5,000 00	5,000 00	14,347 22
Tradesmen's Bank,.....	400,000	0 00	1,000 00	2,000 00	2,000 00	5,000 00
Leather Manufacturers' Bank,	600,000	0 00	0 00	509 58	3,000 00	3,509 58
Mechanics' and Traders' Bank,.....	200,000	0 00	736 98	1,000 00	1,000 00	2,736 98
<i>Niagara County.</i>						
Lockport Bank,	100,000	443 06	500 00	500 00	500 00	1,943 06
<i>Oneida County.</i>						
Bank of Utica,.....	600,000	2,500 00	3,000 00	3,000 00	3,000 00	11,500 00
Bank of Rome,.....	100,000	0 00	0 00	35 62	500 00	535 62
<i>Onondaga County.</i>						
Onondaga County Bank,.....	150,000	187 50	750 00	750 00	750 00	2,437 50
Bank of Salina,	150,000	0 00	0 00	94 52	750 00	844 52
<i>Ontario County.</i>						
Bank of Geneva,	400,000	2,000 00	2,000 00	2,000 00	2,000 00	8,000 00
Ontario Bank,.....	500,000	2,500 00	2,500 00	2,500 00	2,500 00	10,000 00
<i>Orange County.</i>						
Bank of Newburgh,.....	140,000	616 67	700 00	700 00	700 00	2,716 67
Orange County Bank,.....	105,660	0 00	0 00	0 00	440 25	440 25

(CONTINUED.)

COUNTIES.	Capital.	Contributions for 1830.	Contributions for 1831.	Contributions for 1832.	Contributions for 1833.	Total contribu- tions.
<i>Oswego County.</i>						
Oswego Bank,	150,000	0 00	211 84	750 00	750 00	1,711 84
<i>Otsego County.</i>						
Central Bank,	120,000	497 75	600 00	600 00	600 00	2,297 75
Otsego County Bank,	100,000	72 83	500 00	500 00	500 00	1,572 63
<i>Rensselaer County.</i>						
Farmers' Bank,	278,000	1,390 00	1,390 00	1,390 00	1,390 00	5,560 00
Merchants' and Mechanics' Bank,	300,000	1,312 50	1,500 00	1,500 00	1,500 00	5,812 50
Bank of Troy,	440,000	1,943 34	2,200 00	2,200 00	2,200 00	8,543 34
Bank of Lansingburgh,	120,000	0 00	0 00	300 00	600 00	900 00
Troy City Bank,	300,000	0 00	0 00	0 00	460 27	460 27
<i>Saratoga County.</i>						
Saratoga County Bank,	100,000	41 67	500 00	500 00	500 00	1,541 67
<i>Seneca County.</i>						
Seneca County Bank,	200,000	0 00	0 00	0 00	416 67	416 67
<i>Steuben County.</i>						
Steuben County Bank,	150,000	0 00	0 00	0 00	663 70	663 70
<i>Schenectady County.</i>						
Mohawk Bank,	165,000	825 00	825 00	825 00	825 00	3,300 00
Schenectady Bank,	150,000	0 00	0 00	0 00	750 00	750 00
<i>St. Lawrence County.</i>						
Ogdensburgh Bank,	100,000	437 00	500 00	500 00	500 00	1,937 00

<i>Toga County.</i>									
Chemung Canal Bank,	200,000	0 00	0 00	0 00	0 00	191 78	191 78	191 78	
<i>Tompkins County.</i>									
Bank of Ithaca,	200,000	791 67	1,000 00	1,000 00	1,000 00	1,000 00	3,791 67	3,791 67	
<i>Ulster County.</i>									
Ulster County Bank,	100,000	0 00	100 00	500 00	500 00	500 00	1,100 00	1,100 00	
<i>Washington County.</i>									
Whitehall Bank,	100,000	0 00	142 46	500 00	500 00	500 00	1,142 46	1,142 46	
<i>Wayne County.</i>									
Wayne County Bank,	100,000	350 68	500 00	500 00	500 00	500 00	1,850 68	1,850 68	
<i>Westchester County.</i>									
Westchester County Bank,	200,000	0 00	0 00	0 00	0 00	339 72	339 72	339 72	
<i>Yates County.</i>									
Yates County Bank,	100,000	0 00	145 84	500 00	500 00	500 00	1,145 84	1,145 84	
		26,983 67	62,627 62	94,295 60	105,139 54	269,046 43			

*Investments of the Capital.***In State stock, viz:**

Canal debt, bearing an interest of 5 per cent,	\$8,082 40
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Astor debt, " " "	92,000 00
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General fund debt, " " 4½ per cent,	178,028 01
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Total amount of investments,	\$278,108 41
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To which add amount due from the revenue to capital,	10,989 02
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Total amount of contributions, as above,	\$289,046 43
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IN SENATE,
February 17, 1834.

REPORT

**Of the committee on State prisons, relative to the
Mount-Pleasant State Prison.**

Mr. Macdonald, from the committee on State prisons,

REPORTED:

That a bill containing some necessary provisions in relation to the State Prison at Mount-Pleasant, after passing through both branches of the Legislature, failed at the close of the last session, by reason of some informality.

One of the sections of the bill referred to, related to the purchase of a small piece of land adjoining the State Prison farm; the possession of which will be valuable to the farm and important to the operations of the prison. In a report made last year to the Senate, by the committee on State prisons, this subject is thus noticed:

"There is a piece of land adjoining the State farm, and lying between a part of the same and the Hudson river, which the inspectors and agent of the prison recommend to the State to purchase. It contains some good marble, is so situated that they are now obliged to cross it from one of their best quarries, and in many respects its possession would be convenient for their operations, and always valuable to the establishment. This land, it is believed, may be purchased at a fair price, or had in exchange for other land belonging to the State, which is of no particular value to the prison. This committee advise, therefore, that the agent and inspectors be authorised to contract for the same, subject to the final decision of the Attorney-General and Comptroller of the State."

[Senate No. 63.]

In the last annual report of the Mount-Pleasant State Prison, the inspectors again call the attention of the Legislature to this matter, and urge similar reasons in favor of the proposed purchase. (Senate Documents of 1834, No. 13, page 9.) The present committee concur entirely in the propriety of the measure.

Another subject which should be finally disposed of, relates to a balance which appears to be due from the State to captain Lynds, the late agent of the aforesaid prison. It is thus stated in the report of last year's committee, alluded to above:

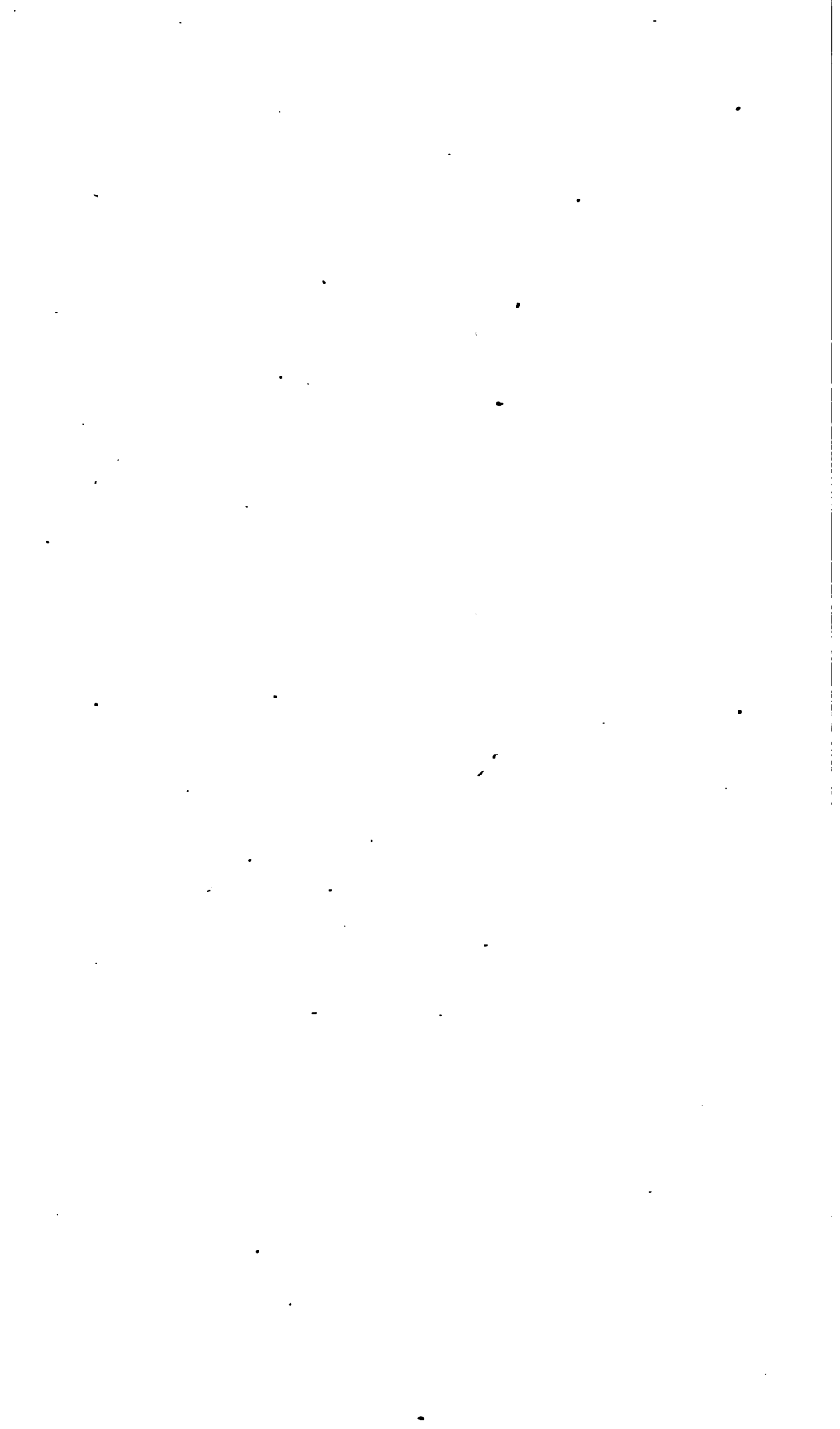
"It appears by the last annual report of the Comptroller, (Assembly Documents of 1833, No. 5, page 32,) that the accounts of the late agent of the Mount-Pleasant prison, have remained in an unsettled state, in consequence of a discrepancy between the accounts of the commissioners for building that prison, and those kept at the office of the Comptroller. During the past year, an entire examination and careful comparison of these accounts, as kept at the prison and at the office of the Comptroller, have been made, and the causes of the difference of the two accounts have been discovered, as well as the origin of the balance against the agent. He was charged, it seems, by the commissioners, with the proceeds of some provisions belonging to the prison, which had been sold to the ration contractor, Mr. E. Wilson, amounting to \$743.94. If this sum was received by the agent, he will owe to the State a balance of \$455.45. But if, on the contrary, as he alleges, and as appears to be confirmed by the statement of Mr. Wilson, the above sum of money did not come to his hands, then there will be due from the State to the late agent, the sum of \$288.49, being an over-payment made by him. Mr. Wilson repeats to this committee, that he is confident he never paid to Mr. Lynds any money for the provisions referred to; but that the same were paid for by him in other rations furnished to the prison. Beyond these averments of the agent and of Mr. Wilson, there is no evidence further to explain the subject. The committee are inclined to believe that the above named provisions were never paid for to Mr. Lynds, and that the State is indebted to him in the sum of \$288.49. They therefore recommend that the same be allowed to him out of the treasury."

It may be proper to add, that a small wooden building used as a clerk's office at the prison before the erection of the present one, was consumed by fire several years ago; and that captain Lynds

thinks the record of this transaction was at that time lost. He resigned his situation as agent of said prison on the first day of October, 1831, from which date he claims interest on the above mentioned balance.

In the last annual report of the aforesaid prison, allusion is made to the manner in which the convicts take their meals. Each convict, it appears, takes his separate ration to his cell, and eats alone and in silence. This plan when adopted was deemed a good one, but it is liable to an objection which is sometimes made, that the convicts are not thus sufficiently fed. The committee are of opinion, that there is no just ground of complaint in this matter; yet for the purpose of silencing such objections, they would recommend the erection of one or more mess-rooms, so that the convicts may take their meals at a common table. It is believed also, that by this means, the extra rations now issued, for the benefit of such as have unusual appetites, amounting, in the course of the year, to a considerable item, might thus be saved. The inspectors of the prison have perhaps the power to make the proposed improvement, but it may be well to prevent any doubt on the subject by granting express authority.

The committee ask leave to introduce a bill, embracing the recommendations above made, which should, in their judgment, be passed into a law.



IN SENATE,

February 18, 1834.

COMMUNICATION

**From David Russell, relative to the report of the
committee on banks and insurance companies.**

To the Hon. JOHN TRACY,
President of the Senate.

Allow me, Dear Sir, to ask of you the favor of presenting the
enclosed communication to the honorable the Senate, with the as-
surance of my profound respect, and to subscribe myself,

With great regard,

Your fellow-citizen,

D. RUSSELL.

February 10, 1834.

To the Hon. JOHN TRACY,
President of the Senate.

SIR,

My attention has been called to a report made on the 4th in-
stant, to the honorable the Senate, by the chairman of the com-
mittee on banks, in that body, which, by a resolution of the Se-
nate, "had been authorized to inquire into the practices resorted
to for the purpose of procuring the act incorporating the Seventh
Ward Bank in the city of New-York, at the last session of the
Legislature."

In that report, I am represented (if not in express terms, by the
clearest implication,) as having been a supporter of the bill for the
incorporation of that institution, while it was in progress before
the Legislature: and also, as having been "personally an appli-
cant" for a portion of the stock after it was incorporated. In

these two particulars the committee have erred in point of fact; and these errors I am desirous should be corrected.

I therefore solicit your indulgence, while I request that you will present this communication to the honorable the Senate, to which the report was made, with my assurance that I was neither an advocate or supporter of that bill, by my vote or otherwise, during its progress through the Legislature. Neither did I know, until after it passed the House of Assembly, who its particular friends were; but I then understood it was a favorite bill of one of the members of that House, from the city of New-York, for whom, personally, I entertained great respect: But even then I was not aware that there was or had been any extraordinary exertions made, or influence used, to secure its passage; and never, until I saw the report this morning, did I know that my name had been used as stated therein; nor had I the least intimation that the reproachful practices therein set forth had been adopted to secure its success. And, though I am not prepared to say, that it is even censurable in a member of the Legislature, to ask for and receive stock in such companies as were entitled from their merits, and may have received his support; yet I desire, so far as matters of fact are concerned, to correct the errors into which the committee have inadvertantly fallen, in the two particulars herein before stated.

As the report of that committee must necessarily be perpetuated by being spread upon the Journals of the Senate, I presume, a sense of justice will induce that honorable body to give to this communication an equal perpetuity.

I am, dear sir,

With great respect,

Your ob't servant,

DAVID RUSSELL.

February 10, 1834.

IN SENATE,
February 18, 1834.

REPORT

**Of the Commissioners of the Land-Office, on the
petition of John H. Lathrop.**

TO THE SENATE.

The Commissioners of the Land-Office, to whom was referred the petition of John H. Lathrop, for a grant of a gore of land in the village of Lodi, in the county of Onondaga, have the honor to submit the following

REPORT:

That on the 23d February, 1814, a petition was presented to the Legislature, as will appear by the Assembly Journal of that year, page 166, by Benjamin Horton, praying that a piece of land in the Onondaga salt reservation might be sold to him. The petition was referred to the Surveyor-General, and his report thereon will be found on page 182 of the same Journal. In this report, it is stated "that it appears from the statement of the petitioner, that he is in possession of about 25 acres of land, reserved for the use of the salt springs at Onondaga, the right to which is derived from a permit formerly given by the Superintendent, to Ralph Eaton, to reside thereon, and keep an inn for the accommodation of travellers; that an inn is now kept on it by the petitioner, and he prays that it may be sold to him, or leased for at least 21 years," &c. To the petition was annexed a representation of a number of the most respectable citizens of Onondaga, that in their opinion it would conduce to the public convenience, and be no injury to the salt reservation, to grant the prayer of the petitioner; and the Surveyor-General concludes by saying, that "he sees no special objection to it."

An act was accordingly passed on the 11th March, 1814, Laws of 1814, chapter 38, page 39, authorizing the superintendent of the Onondaga salt springs, to lease for the term of twenty-one years, the land in possession of Benjamin Horton, for such annual rent as in the opinion of the superintendent should be just and reasonable; with a proviso that the lease should not be for more than twenty-five acres. In the Session Laws of 1814, the words "twenty-five acres," are improperly printed, twenty-five years, as appears by an examination of the original act, on file in the office of the Secretary of State.

In pursuance of the provisions of the act of March 11th, 1814, the superintendent of the salt springs leased, on the 1st day of January, 1816, twenty-five acres of land, in the town of Salina, being a part of the salt reservation, to Moses D. Rose, at an annual rent of fifty dollars, for a term of years to expire on the 11th day of March, 1835. It does not appear by any evidence in possession of the Commissioners why the lease was given to Rose; but it is fair to infer that it was by an arrangement with Horton, for whose benefit the act was passed. The lease to Rose by a regular chain of assignments, became the property of the petitioner.

In the years 1820 and 1821, the salt springs reservation was surveyed by John Randall, jr., under the direction of the Surveyor-General, preparatory to the sale of it; and it was conceived that the interest of the State would be promoted by laying out the ground covered by the lease, together with a large portion of the adjacent lands, into lots suitable for a compact settlement. With the consent of the owners of the lease at the time of the survey, which consent appears by a paper in possession of the Commissioners, signed by the superintendent of the salt springs, a somewhat different location was made of the twenty-five acres leased to Rose. In executing these arrangements, two streets were laid out through the twenty-five acres allotted under the survey to the assignees of the said lessee. Some of the lots laid out as above mentioned, with a view to a compact settlement, consisted partly of the ground leased to Rose, and partly of contiguous lands; but all such lots were reserved in the subsequent sale of the salt spring reservation; for it was supposed that, after the expiration of the lease the lots so reserved, together with the ground conveyed by it, might be disposed of more advantageously, both as regarded the interest of the State, and the contemplated settlement, than by

subdividing them at that time, and selling such of the subdivisions as were not covered by the lease to Rose. Another object of reserving these subdivisions was distinctly understood at the time to be for the purpose of preserving the original plan of the village or settlement made by Randall, under the direction of the Surveyor-General, and exhibited on his map of the salt springs reservation.

The land leased having been sold to the petitioner, as will hereafter appear, two gores or strips were left, one of which is authorized to be sold to Rufus Stanton, by an act of March 29, 1833; and the petitioner now prays that the State will convey to him the other gore, amounting to about an acre and three-quarters, "in part satisfaction," of a claim, the nature of which will be seen by the following examination.

By the act of March 10, 1827, Laws of 1827, chap. 67, page 52, the Surveyor-General was required to cause the premises leased to Rose, to be appraised by three disinterested men. at their fair value on the 1st June, 1822, the month in which the lands of the salt spring reservation were sold; and the Commissioners of the Land-Office were authorized, if they should be satisfied with the appraisal, to convey the premises in fee to the grantees of the estate conveyed to Rose. The report of the committee of grievances, to which the subject was referred, may be found in the Assembly Journal of 1827, page 209. By this report it appears the petitioner, John H. Lathrop and Orren Palmer, state that the twenty-five acres in question had been occupied as a tavern stand, and with the understanding, then prevalent, that the neighboring lands would not be sold by the State, the lessee agreed to pay for the lot a rent beyond its actual value; that in consequence of the sale of the other lands of the reservation in 1822, the actual value was diminished, and under the circumstances, the petitioners, "suppose that they ought not to pay for rent more than the annual value of said premises, since said sale in June, 1822." The petitioners also showed to the committee, that the value of the lot was "not more than one dollar per acre by the year, exclusive of buildings, and other erections thereon." The committee, therefore, recommended that not more than one dollar per acre should be exacted for the use of the lot since said sale, and that "on the payment of all the rent thereon due upon that principle, with the interest thereof, the petitioners ought to be discharged from all liability on account of the

rent so due," and that the State might then sell said lot to the petitioners according to the prayer of the petition.

The terms granted by the act of March 10, 1827, were decidedly more favorable to the petitioners, than those recommended by the committee, for they were not only released from the payment of interest on the arrears of rent due, which amounted, at the time the act was passed, to more than three hundred and fifty dollars; but as the land was appraised at three hundred dollars, and as the interest on that sum from the 1st June, 1822, was computed at six per cent, the petitioners paid in fact an annual rent of eighteen dollars only, subsequent to that day, instead of one dollar per acre, or twenty-five dollars, as recommended by the committee. As the State might, in strict justice, have exacted the annual rent of fifty dollars reserved in the lease, until the term should expire, the effect of the act of 1827 was to make to the petitioners a donation of nearly four hundred dollars, in consideration of alleged grievances in consequence of a change in the policy of the State, which it was perfectly free to make, in offering for sale the lands of the salt reservation.

By reference to the Assembly Journal of 1829, page 346, it will appear that a petition was presented to the Legislature by John H. Lathrop and Orren Palmer, "praying for an alteration of the act authorising the sale of certain lands, passed March 10, 1827," and referred to the Surveyor-General. The report of the Surveyor-General upon the matter of reference may be found in the journal last mentioned, page 395. In this report it is stated, that "when the lands in the Salt Springs reservation were allotted for sale, it was found that it would be for the public interest to alter the location and shape of this lot. (the twenty-five acres leased to Rose,) so as to admit of a more regular and advantageous allotment of the ground surrounding it than could otherwise be made. This was agreed to by the parties interested and recommended by the superintendent of the Salt-Springs. Of this the Legislature was not advised when the act (of March 10, 1827,) was passed. It will, therefore, be necessary so to amend the act as to make its execution practicable; which may be done by authorising the grant to be made, 'with such bounds as were surveyed for the ground held under the lease when allotments of the adjacent ground were made by the authority of the Surveyor-General.' To have the

act so amended is the prayer of the petitioners, which, it is obvious, ought to be granted."

In pursuance of the prayer of the petitioners, and the recommendation of the Surveyor-General, an act was passed on the 23d of April, 1829, Laws of 1829, chap. 242, page 374, authorising the Commissioners of the Land-Office to grant and convey the lands mentioned in the act of March 10, 1827, "according to the bounds surveyed for the ground held under a lease from the people of this State to Moses D. Rose, when allotments were made by the authority of the Surveyor-General of this State."

John H. Lathrop, the petitioner now before the Legislature, having in 1829 become sole owner of the lease to Rose of the twenty-five acres of land in question, surrendered the same to the people of the State, with all his "right, title, interest, claim and demand, of, in and to the said twenty-five acres, and every part and parcel thereof, with the appurtenances," on the 3d May, 1830; and on the same day an order was made by the Commissioners of the Land-Office, directing the premises to be sold to him pursuant to the provisions of the acts of March 10, 1827, and April 23, 1829. The following extract from their order will show the conditions of the sale. John H. Lathrop "having paid into the treasure of this State all the rent due on the lease to the said Rose, up to the first day of June, 1822, and having delivered up the said lease and the counterpart thereof, to be cancelled; and having also executed a release of the estate, granted by said lease, to the people of this State:" "and whereas, the said piece of land was appraised at three hundred dollars, and the interest on the same from the first of June, 1822, to this day, at six per cent, amounts to one hundred forty-two dollars and sixty-five cents, making in the whole, four hundred forty-two dollars and sixty-five cents: thereupon, resolved, that the Surveyor-General issue a certificate of sale to the said John H. Lathrop," &c.

A certificate of sale was issued accordingly, and when the whole of the purchase money and interest is paid, the petitioner, his heirs or assigns will be entitled to a patent.

It is difficult to believe that the petitioner was not aware, when the lease which he held was surrendered, and the land purchased by him at its appraised value, that it was intersected by the two streets, which, according to his representation, are about to be

opened by the persons owning lands adjoining said tract. By a paper in the possession of the Commissioners of the Land-Office, signed by the petitioner and Orren Palmer, and dated the 10th January, 1828, they pray that the premises described in the lease to Moses D. Rose, may be conveyed to them "as laid down on the map of John Randall, jr." In the bond which the petitioner executed to the people of this State, on the 4th March, 1830, to secure the payment of that part of the purchase money, which was unpaid when he received the Surveyor-General's certificate, the premises are described as "the land in the town of Salina, in the county of Onondaga, surveyed for the twenty-five acres leased by the Superintendent of the Salt springs to Moses D. Rose, as the same was run and marked when allotments of the adjacent ground were made by the authority of the Surveyor-General."

Thus, notwithstanding the representation of the petitioner, that the streets referred to "were laid out across said tract without permission, and in violation of said lease," it would appear, first, that the petitioner in 1828 prayed that the land might be conveyed to him "as laid down on the map of John Randall, jr.," the map on which the streets intersecting the land are also laid down; second, that all his right, title and interest, in and to the lease, including all equities arising out of it as against the lessor, were surrendered to the people of the State on the 3d May, 1830; and third, that he, subsequently to such surrender, accepted a certificate of sale of the land, and executed a bond for a part of the purchase money, describing the tract as the same was run and marked when allotments of the adjacent ground were made."

The lots adjacent to the land of the petitioner have been sold with reference to the streets laid out by Randall at the time the survey of the Salt Springs reservation was made, and the purchasers, as appears by the representation of the petitioner, assert the right of opening the streets laid down on the map of such survey, and recognized by the conveyance to them. This right the petitioner does not undertake to contest; and the Commissioners cannot readily understand how any just claim for damages can be set up against the State, on the ground assumed by the petitioner, that by opening the streets the full number of twenty-five acres will not be left of the land sold to him, when it is considered that the maps to which he himself refers in the petition soliciting the grant made to him, and the bond which he has executed to the State,

both show that he was, or ought to have been, fully apprised of all the circumstances of which he now complains. It is not improbable that the opening of the streets referred to, will, as is almost always the case in village improvements, enhance the value of his land; but if this effect should not follow, the fact will not, for the reasons already assigned, constitute in the judgment of the Commissioners, a foundation for a claim upon the public treasury.

On the score of equity the Commissioners can discover as little ground for the claim asserted by the petitioner, when, as has been seen, the State voluntarily and without an equivalent, released him from the payment of nearly four hundred dollars, for which the premises occupied by him were liable, and which it is believed, they were abundantly adequate to discharge.

If the petitioner is, as he states, in possession of the gore of land, which he prays to have conveyed to him, such possession is wholly without authority, so far as the Commissioners are apprized. Should the petitioner apply to purchase it at its fair value, to be ascertained by appraisement, it might be worthy the consideration of the Legislature, whether, under all the circumstances of the case, the Commissioners should not be authorized to sell it to him. The western gore, created at the same time, is directed by the act of March 29, 1833, Laws of 1833, chapter 85, page 109, to be granted to Rufus Stanton, the owner of the land adjacent to said gore, on his paying into the treasury of the State the sum at which it shall be appraised; and the reason of one case applies equally to the other. This suggestion, however, is made with a reference solely to the relation which the eastern gore bears to the land of the petitioner, and not in consideration of any claim whatever, on his part, to further indulgence, by reason of the transactions above explained.

Respectfully submitted.

JOHN A. DIX, *Secretary*,
SIMEON DE WITT, *Surv'r-Gen'l*,
A. C. FLAGG, *Comptroller*,
GREENE C. BRONSON, *Att'y-Gen'l*,
A. KEYSER, *Treasurer*.

February 18, 1834.



IN SENATE,

February 19, 1834.

MEMORIAL

Of persons having, as trustees or agents, placed with the New-York Life Insurance and Trust Company, various sums of money, &c. against an alteration of the charter of said Company.

To the Honorable the Legislature of the State of New-York, in Senate and Assembly convened :

Your memorialists

RESPECTFULLY REPRESENT:

That confiding in the prudent and safe provisions of the charter of the New-York Life Insurance and Trust Company, and particularly to that provision which gives to the board of trustees the right of filling up vacancies as they occur by death, resignation or otherwise, they have placed with the company various amounts of money belonging to estates or individuals, for which they act as trustees or agents, or have caused insurance on their own lives, or on the lives of others, in which they have an interest to be effected by the said company; that much, if not all the confidence they now have in the company would be lost, should an alteration be made in that part of the charter which relates to the choice of trustees, and have the power of election given to the stockholders, who are liable to continual change, as your memorialists understand is proposed by a bill now before the Legislature.

Your memorialists conceiving that the interests of those they represent, would be seriously affected by such a change, venture

respectfully, but earnestly, to solicit your honorable body that no such alteration may be made in the charter of the company, but that this, and all other material provisions of the charter, upon the faith of which your memorialists have entrusted their funds to the said company, or effected insurances on lives therein, may remain unaltered.

And your memorialists will ever pray.

New-York, February 11th, 1834.

Murray Hoffman,
A. A. Cammann,
Arch. Gracie,
W. Roberts,
William J. Buck,
Edw. B. Huntington,
Oscar Johnson,
John H. Lyell,
Samuel G. Wheeler,
Jas. J. A. Bruce,
Thomas L. Throop,
Henry H. Leeds,
G. C. Verplanck,
Charles C. Palmer,
Alba Kimball,
Benj. D. Silliman,
M. Robinson,
Chs. A. & E. Herkscher,
Wm. A. L'Hommèdeiu,
Wm. C. Boardman,
Adam Treadwell,
Jn. D. Lawrence,
S. S. Gilpin,
Peter Harmony & Co. in trust,
Thos. B. Star, *Receiver, &c.*
R. Ainslie, *Receiver, &c.*
James Campbell, *Surrogate.*
Samuel Barstow,
Charles McEvers,
Henry Remsen,
Rich. Oakley,

Geo. P. Shipman,
S. C. Williams,
Edw. S. Meseir,
T. Bull,
S. J. Tobias,
Francis L. Hawks,
R. T. Auchmuty,
Edw'd Delafield,
Wm. I. Leachrane,
W. Burritt,
Isaac Davega,
L. A. Mills,
Jas. S. Schermerhorn,
Wm. W. Van Wagenan,
Edwd. Wilkes,
Thatcher T. Payne,
William Lloyd,
Wilmot Williams,
M. Spencer,
Ben. Clapp,
C. C. Young,
Wm. H. Harrison,
Tucker & Lauries,
Cammann & Whitehouse,
Fred'k R. Bunker,
John Adams,
Tho. W. Ludlow,
J. M. Catlin,
F. De Peyster, Jr.
O. E. Huntington,
Lewis Tappan,

Wm. B. Astor,
Edward Taylor,
Tho. S. Whitaker,
J. Green Pearson,
H. C. De Rham,
R. M. Lawrence,
Philip I. Kearney,
Samuel Thomson,

John B. Willis,
J. Graham and G. Pott,
Isaac S. Hone,
Peter Harmony,
Gideon Lee,
John Walworth,
William Allen.
Jon. Goodhue,



IN SENATE,

February 19, 1834.

MEMORIAL

Of the Trustees of the New-York Life Insurance and Trust company, against proposed alterations in their charter.

To the Honorable the Legislature of the State of New-York, in Senate and Assembly convened.

The memorial of the subscribers, trustees of the New-York Life Insurance and Trust company,

RESPECTFULLY SHEWETH:

That your memorialists have noticed with great regret, that a bill has been introduced and is now pending before the honorable the House of Assembly, the object of which is to alter the charter of the company, whose guardians they are, in some of its most material and fundamental provisions. The trustees conceive that they would be wanting in duty to their trust, if they should silently acquiesce in such a bill without making known to the Legislature, with great respect, and with equal frankness and sincerity, their decided objections to any such modifications of their charter as the bill appears to have in view.

It is not understood or believed, that the bill is founded on any charge or suggestion of abuse of trust, or on the want of due diligence, judgment and fidelity in the exercise of the powers confided to the trustees; every such suggestion, (if any had been made,) would doubtless have been discredited and disproved at once, by an inspection of the annual statements of the affairs of the company, and by the full and thorough investigations into the management of its concerns, which have been repeatedly made, under the authority of the Chancellor, and the results published.

[Senate No. 67.]

It is well known that the charter of the Trust company was passed by a former Legislature in the session of one thousand eight hundred and thirty, after very careful and profound consideration. Its powers were guarded from abuse, by provisions of singular skill and provident care. It has gone into successful operation, and fully answered the benevolent expectations of the Legislature. It has attracted the public confidence to an eminent degree. There is not a particle of complaint or distrust known to exist against it. It may well then be asked, why such an institution, under all these circumstances, should be now disturbed, and an attempt made to change its essential character, and, by necessary consequence, to disturb public confidence in it? Your memorialists are utterly at a loss to conceive any plausible and much less any justifiable ground for such an attempt.

That it is unnecessary and unreasonable to interfere with the charter of the company on the ground of any presumed or possible abuse of its powers, is evident from the consideration, that the Legislature which granted the charter anticipated such possible cases, and guarded against them by provisions which in their wisdom they deemed sufficient, and which have hitherto proved in practice to be so. The trustees are directed to exhibit annually to the Chancellor a full statement of their affairs, and the Chancellor is authorized to make annually a full and thorough investigation into the affairs and management of the company, and as to the ability and integrity with which its affairs are conducted, and the prudence and safety of its investments, and the advantages derived to the public from its operations. The Chancellor is likewise authorized, if upon such annual investigations he should judge it proper, to recommend to the trustees alterations and amendments in the regulations and by-laws of the company, and if disregarded, he is to report such advice and refusal to the next Legislature, where the merits of the case would be sure to be vigilantly examined, and legislative interference had, if it should be deemed necessary.

It is the fit and peculiar province of a court of chancery to supervise and control matters of trust; and if the interests of those persons who are led to confide in trustees, cannot safely repose in the supervision of the court of chancery, it may well be asked, where can resort be had for a more safe and effectual supervision?

The trustees named in the original act of incorporation amounted to thirty, and they were declared to hold during good behavior, and vacancies occurring were to be supplied upon the same tenure; and it was provided that the selections be made with the greatest caution. No vacancy can be filled except by a vote of two-thirds of the existing trustees, and not until the candidate had been previously nominated for one month and the nomination published, so as to afford to all persons interested in the concern, a fair opportunity to scrutinize the character of the candidate.

It is understood that the bill before the honorable the Assembly goes to destroy the tenure of the office of the trustees, and intends to have them chosen annually by the stockholders. Your memorialists have never understood that the stockholders were desirous to possess this power. They originally subscribed, or purchased their stock subsequently, with full knowledge of the terms and prescriptions of the charter, and they were content to become stockholders upon these terms, and they have not made any complaint or any application for a change of the charter. Why should then the Legislature interfere with the charter, and gratuitously impose upon the stockholders a duty which they have not asked for, and when there is no evidence that they want it?

But much greater interests than those of stockholders are essentially connected with the institution on its present foundation. We allude to that large and interesting class of creditors who purchase annuities or have lives insured by the company, or make very large investments for the sake of security and income and accumulation. The permanent tenure of the office of trustee is the feature which probably gives to the institution its greatest value, and the most solid grounds of confidence in the opinion of such persons. They are generally persons unfitted to manage their own concerns with the best judgment, in consequence of being retired from business, or in consequence of their age, or sex, or infirmities, or profession, or absence from the State; and their object is to make safe and permanent investments by way of trust, for themselves and their families. Your memorialists are, in many instances, made guardians of the estates of infants, and without that personal security that other guardians of estates are required to give. The knowledge of the character of the trustees, and the tenure of their trust, will enter deeply into the calculations of persons making choice of the Trust company for their in-

vestments. If the tenure of the office of the trustees be, as it is at present, during good behavior, the persons who deposite their moneys in trust, do, in all essential respects, select their own trustees; but if this principle in the charter was to be destroyed, it might lead to the substitution of trustees not of their choice, and would very materially affect the property of the institution. To put the trustees in a condition to be annually displaced, without any reasonable or assignable cause, or from prejudices or jealousy, or by dangerous combinations for selfish or speculative purposes, would, as your memorialists apprehend, go far to impair confidence, both in and out of the State, in the trust character of the company. It is to be presumed, that the stockholders would not at present wish to change the trustees, even if they had the power; but prudent and calculating depositors, whose object is to make large investments, for future as well as for present safety, will rely greatly on that feature in the institution, which enables them to confide in the stability of the trustees. They would naturally wish to know in whom they trust, and to have a well-grounded assurance in the law, that they will not thereafter be disappointed, nor their interests put in danger, by sudden combinations among stockholders to change the whole policy and management of the funds.

Nor is there any reasonable ground, as your memorialists believe, for limiting the extent of deposits in trust. These deposits are purely voluntary, and it would seem that their amount might safely be left to the discretion and prudence of those by whom the company are to hold as trustees. That the security of the depositors and cestui que trusts will be impaired by a gradual increase of the trust funds, cannot even be pretended. On the contrary, it is obvious, that each addition to the total amount of the deposits is an addition to the security of each individual depositor. So long as the institution is well managed and its proceedings annually published, it ought, in all wise policy, to be firmly sustained, and encouraged to continue to attract funds from abroad as well as at home, which that good management invites. These funds are loaned throughout our State in a way and manner most useful to the public at large, and extremely beneficial to the agricultural and manufacturing interests of the country. Every exhibit which has been made in chancery and published, and especially of the concerns of the company brought down to the beginning of January, prove this fact. The capital of one million of dollars is all loaned

out on perfectly safe and satisfactory security, and upwards of seven hundred and eighty thousand dollars of that capital are loaned in the counties of this State north and west of Albany, and it is in these counties that capital is most wanted. So also, the very large deposits of moneys in trust arising from the credit, which the principles of the institution and the management of its affairs have created, are loaned out in the same beneficial manner. Upwards of one million and six hundred thousand dollars of that fund are loaned on satisfactory real security in the counties of this State north and west of Albany, and the loans now are usually on long credits, from one to ten years, so that it would be impossible for the company, even if they were so injudicious as to desire it, to call in any material part of that fund so suddenly as to create distress.

And your memorialists further represent, that to confine the duration of the charter to a definite period would be in effect to repeal some of its most valuable and beneficial provisions. Such a limitation would be wholly inconsistent with a continual increase of the powers which the company now possess, of insuring lives, granting annuities, and managing trust estates during the lives of those for whose benefit the trusts were created. Were the charter thus altered, the company would not be justified in making any contract or accepting any trust, the execution of which might by possibility extend beyond the duration of the charter itself; and as this period approached, the power to make the contracts above enumerated would entirely cease, and this many years before the expiration of the charter itself. Insurance on lives and the granting of annuities, so far as the interests of the stockholders are concerned, are among the most valuable of the powers which the company possess. In relation to the public, they are perhaps the most important and beneficial; and to create a company of such capital and stability that, in the exercise of these powers, it would be certain to command the public confidence and meet without delay its contingent losses, was, your memorialists are assured, a prevailing motive with the Legislature in granting their present charter.

There is a clause annexed to the charter of the company, by which the Legislature reserve the power at any time to repeal, alter or modify the act. Your memorialists do not question the power, but they respectfully contend that it could never have been intended to be exerted, except under very guarded and sound dis-

cretion, and in cases founded on some just and weighty cause, not within the contemplation of the charter, and not within the ordinary means of legal redress. This your memorialists consider to be the reasonable sense of the reservation, and the universal understanding of the community. Upon that understanding, all investments in our numerous bank and other monied institutions, which contain the same reserved power, are made, and without such a construction those institutions would be of very little value or credit. Who would be willing to make costly erections and improvements under a grant of land, if he was liable to be dispossessed at any moment by the grantor, in the mere wantonness of power, without any new and pressing necessity, or any reasonable cause not existing or not known when the grant was made? What prudent capitalist would confide his funds to an institution liable to be swept away at pleasure, to his manifest distress, if not ruin? The Legislature is, and must inevitably be, in many cases, from the unforeseen and indefinable necessities of government, entrusted with gigantic powers, but it is in full confidence that such powers will be used with a parent's care and not with a giant's strength. Take, for instance, the case of the Chancellor and judges of the supreme court. They hold their offices during good behaviour, and yet they may be removed by joint resolution of the two houses of the Legislature. But who ever imagined that this undefined discretion was intended to be used to destroy the tenure of the office, unless it was for some good cause of the gravest character, and addressing itself to wise men, and not susceptible of any other suitable remedy.

Your memorialists forbear to enlarge on the subject of the bill now before the honorable the house of Assembly. They entertain the confidence that the great and weighty objections which they have taken the liberty to submit, cannot escape the penetration and will not fail to guide the sound judgment of the enlightened body to whom this memorial is addressed.

All which is respectfully submitted.

WM. BARD, *President.*

New-York, February 11th, 1834.

At a meeting of the New-York Life Insurance and Trust Company, held February 12, 1834,

Present,

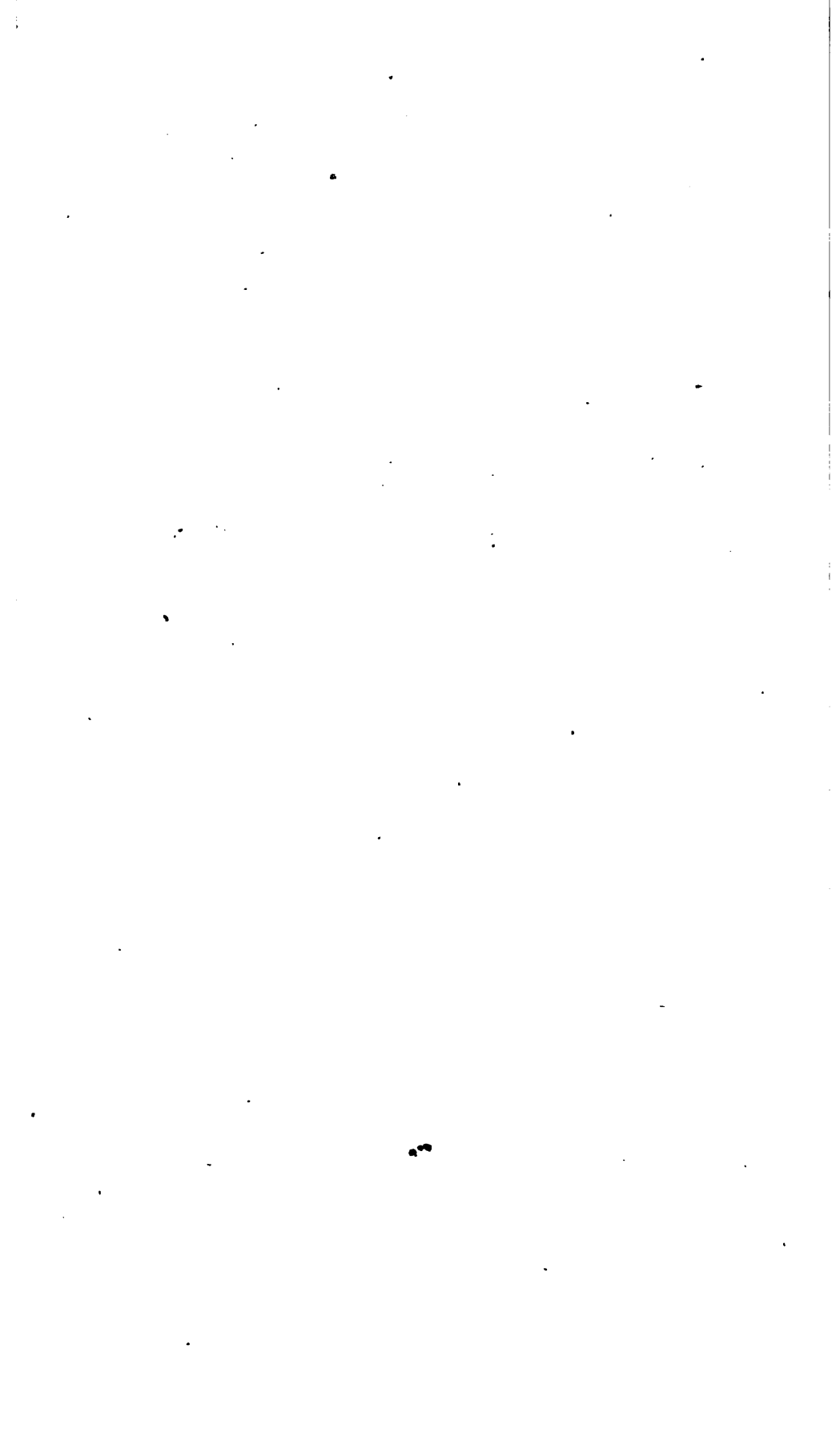
Wm. Bard,	Stephen Whitney,
Thos. W. Ludlow,	Nathaniel Prime,
Gulian C. Verplanck,	James McBride,
Peter G. Stuyvesant,	Wm. B. Lawrence,
Peter Harmony,	Jno. Rathbone, Jr.
H. C. De Rham,	Isaac Bronson,
Jno. G. Coster,	Jonathan Goodhue.
Thomas Suffern,	

The president having read the above memorial, addressed by the board of trustees to the Legislature of the State of New-York,

On motion of Thomas J. Oakley, seconded by James McBride, resolved, that the same be approved and signed by the president, and that the same be presented to the Legislature.

Extract from the minutes.

E. A. NICOLL, *Secretary.*



IN SENATE,

February 20, 1834.

REPORT

Of the committee on claims, on the petition of Calvin Hotchkiss.

Mr. Sudam, from the committee on claims, to which was referred the petition of Calvin Hotchkiss, of Lewiston, in the county of Niagara,

REPORTED:

That the petitioner alleges that on the 5th of July, 1832, he purchased from the Commissioners of the Land-Office, lot No. 322, containing $\frac{1}{16}$ of an acre, at \$91.50, and lot No. 22, containing $\frac{1}{16}$ acres, for \$303.73, in the village of Lewiston, being the price at which the said lots were bid off, in the year 1816, including interest on the same. That since the year 1816 there had been no public sale of lands in said village; for which reason the petitioner being under the necessity of purchasing said lots for *his own accommodation*, was induced to pay an exorbitant price, and more than they were worth. He further represents, that since 1816, most of the lots have been re-appraised, and reduced to their fair value; and the petitioner prays for a re-assessment of said lots.

The committee are unable to come to the conclusion, that it is either just or equitable, to grant the prayer of the petitioner. He purchased in 1832 at a fair sale, and chose to pay the price stated by him for these lots, for his *own accommodation*. He now applies to the Legislature to increase the value of his speculation, having driven off other purchasers, with a hope of legislative relief.

The committee are unanimously of opinion, that he ought to be held to his purchase, and that he has no claims on the Legislature for relief.



IN SENATE,

February 18, 1834.

FIFTEENTH ANNUAL REPORT

Of the Trustees of the Bank for Savings for the year 1833.

Pursuant to the provisions of an act, entitled "An act to incorporate an association by the name of the Bank for Savings in the city of New-York," the trustees now beg leave to present their fifteenth

REPORT, AS FOLLOWS:

First.—That the trustees have received from twenty thousand and fifteen depositors, from the first of January to the thirty-first of December, 1833, the sum of eleven hundred and fifty-five thousand and ninety-eight dollars and thirty-three cents, in the following manner:

In the month of January	from 1,362 depositors,	\$74,757 50
" February,	" 1,141 "	69,135 08
" March,	" 1,428 "	78,521 67
" April,	" 1,248 "	76,260 00
" May,	" 1,646 "	103,695 86
" June,	" 2,206 "	133,323 08
" July,	" 1,918 "	108,838 53
" August,	" 1,745 "	91,943 14
" September,	" 1,778 "	99,330 25
" October,	" 1,599 "	96,834 02
" November,	" 1,558 "	90,373 02
" December,	" 2,386 "	132,086 20
	<hr/> 20,015	<hr/> \$1,155,098 33

of which number 5,027 are new accounts opened with the bank,
and 14,988 are re-deposits.

20,015

Second.—That the sum of nine hundred and twelve thousand four hundred and seventy-two dollars and twenty-five cents has been drawn out by eleven thousand four hundred and ninety-three depositors. Of this number 2,534 have closed their accounts.

In the month of January,	paid	941 drafts,....	\$85,027 06
“ February,	“ 1,075	“	87,693 94
“ March,	“ 1,040	“	82,239 62
“ April,	“ 1,243	“	116,996 63
“ May,	“ 922	“	66,980 05
“ June,	“ 662	“	41,233 23
“ July,	“ 1,021	“	109,686 76
“ August,	“ 1,045	“	77,062 57
“ September,	“ 816	“	65,017 36
“ October,	“ 982	“	80,852 85
“ November,	“ 965	“	59,968 61
“ December,	“ 781	“	39,713 57
		<u>11,493</u>	<u>\$912,472 25</u>

Third.—The depositors have been classed under the following heads of professions and occupations:

Accountants,	14	Cartmen,	101
Attorneys,	11	Carpenters,	146
Blacksmiths,	94	Chair-makers,	7
Barbers,	29	Curriers,	7
Boarding-house keepers, ..	64	Carvers,	10
Booksellers,	7	Coopers,	25
Butchers,	13	Cabinet-makers,	71
Bookbinders,	16	Confectioners,	14
Bakers,	74	Comb-makers,	2
Book-folders,	7	Comedians,	5
Brushmakers,	8	Collectors,	7
Button-makers,	4	Coppersmiths,	2
Brokers,	4	Coach-makers,	3
Brewers,	9	Clothiers,	4
Hoatmen,	3	Caulkers,	4
Clerks,	150	Cutlers,	4

Chocolate-maker,	1	Physicians,	19
Calico Printers,	5	Porters,	53
Colour-maker,	1	Painters,	49
Domestics,	860	Preachers of the Gospel,	20
Distillers,	4	Pilots,	4
Druggists,	7	Pocket-book makers,	2
Dyers,	11	Paper-makers,	2
Engineers,	12	Pavers,	2
Engravers,	8	Potters,	2
Founders,	11	Piano forte makers,	9
Farmers,	83	Rope-makers,	1
Fishermen,	2	Riggers,	11
Furriers,	13	Seamstresses,	331
Fruiterers,	16	Ship-masters,	5
Figure-maker,	1	Sailors,	63
Grocers,	100	Soldiers,	27
Gardeners,	33	Shipwrights,	35
Gold-beater,	1	Shop-keepers,	2
Grate-makers,	2	Stone-cutters,	44
Glass-cutters,	8	Saddlers,	22
Gilders,	10	Shoe-makers,	152
Glovers,	2	Sail-makers,	16
Gunsmith,	1	Sugar-bakers,	13
Hatters,	28	Shoe-binders,	6
Hucksters,	23	Sawyers,	13
Inspectors,	7	Students,	12
Ironmongers,	5	Spinners,	5
Jewellers,	14	Slaters,	3
Laborers,	589	Segar-makers,	10
Locksmiths,	4	Sausage-makers,	3
Lamp-lighters,	5	Silversmiths,	13
Leather-dressers,	10	Skinner,	1
Letter carrier,	1	Shoe-black,	1
Masons,	77	Teachers, (female,)	31
Merchants,	57	Teachers, (male,)	20
Musicians,	10	Tailors,	123
Milkmen,	13	Tobacconists,	5
Miners,	2	Type-founders,	4
Musical instrument makers,	2	Turners,	12
Marshals,	5	Tavern-keepers,	33
Machinists,	15	Trunk-makers,	4
Millwrights,	8	Tanners,	8
Marble-polishers,	15	Turners,	9
Moulders,	2	Tallow chandlers,	8
Miller,	1	Toy shops,	7
Nurses,	41	Upholsters,	10
Night scavengers,	2	Umbrella-makers,	4
Oystermen,	5	Undertaker,	1
Ostlers,	23	Varnish-makers,	3
Printers,	47	Victuallers,	12
Pedlers,	39	Wheelwrights,	5

Whitewashers,	3	Not described, being mi-	
Weavers,	24	nors, &c.	548
Washerwomen,	35		
Watch-makers,	6		5,027
Watermen,	2		

DESCRIPTION OF PERSONS.

Minors, (female,	82	Trustees, (deposits in trust	
Minors, (Male,)	114	for children, orphans, ap-	
Orphans,	21	prentices, servants, &c.	448
Apprentices,	6	&c.	198
Widows,	434	Coloured persons,	
Single women,	952		2,255

Fourth.—The deposits have been made in the following sums:

From	1 to	5 dollars,	1,708
"	5 to	10 "	2,322
"	10 to	20 "	3,821
"	20 to	30 "	2,686
"	30 to	40 "	1,624
"	40 to	50 "	1,902
"	50 to	60 "	910
"	60 to	70 "	563
"	70 to	80 "	481
"	80 to	90 "	280
"	90 to	100 "	1,125
"	100 to	200 "	1,691
"	200 to	300 "	437
"	300 to	400 "	190
"	400 to	500 "	147
"	500 to	600 "	46
"	600 to	700 "	28
"	700 to	800 "	18
"	800 to	900 "	8
"	900 to	1,000 "	16
"	1,000 to	2,000 "	12
			20,015

IN SENATE,

February 24, 1834.

COMMUNICATION

From J. D. Brown.

Albany, 24th February, 1834.

The Honorable JOHN TRACY,

President of the Senate.

SIR:

Being unfortunately one of the number censured by "the committee on banks and insurance companies, who were authorized by a resolution of the Senate to inquire into the practices resorted to for the purpose of procuring the charter of the Seventh Ward Bank in the city of New-York," and believing that such censure would not have been applied to me, had I been so fortunate as to have been heard by that committee, I beg leave to communicate to the Honorable the Senate, my deposition in reference to the subject matter of that inquiry, in order that it may accompany the testimony taken before the committee, being necessary, as I conceive, to a fair understanding of it. I should have made this application earlier, but have not until lately seen the testimony taken before the committee, and have since waited the return of the Hon. John W. Edmonds to this city, who, I am now informed, is sick at his residence in the city of Hudson.

I am, very respectfully, &c. &c.

J. D. BROWN.

ALBANY, SS.

John D. Brown, of the city of New-York, being duly sworn, doth depose and say, that he came to the city of Albany, during the last session of the Legislature, to attend to business in which he personally felt deep interest; that while so engaged, James

[Senate No. 73.]

Perkins, also of the city of New-York, with whom he had been many years acquainted, was also here, and made known to deponent his connection with the applicants for the Seventh Ward Bank, and requested deponent to become interested in said application, which was agreed to upon the following consideration: This deponent believing that the location proposed was a good one, inasmuch that the institution would be of great public utility as respects the business done in the upper part of the city, and consequently thereby much promote the interest of deponent and his relatives interested in property located in that vicinity. Further, deponent was promised a situation as clerk for a young friend who is very capable, and voluntarily offered the right of subscribing for two hundred shares of the stock at par, or in other words, the preference to other subscribers to that extent, who had no interest in the incorporation, beyond the mere advance or premium upon such stock. This deponent further states, that he had the fullest reason to believe that the application made by Perkins to deponent, to become interested, was fully known and approved of, by James R. Whiting and James Morgan, two of the commissioners, in consequence of frequent conversations held with them, before and after the charter was obtained. This deponent would particularly refer to a conversation held with Whiting at the time the books were open for subscription, during the three days as prescribed by the charter. At that time, deponent advised with him as to the names that he would give with his own, for the stock promised, and was told by Whiting, that it was immaterial, that he would see that it was apportioned, adding that he expected to be censured, but *we* can fully justify it. Also when called upon by deponent, and told of his dissatisfaction in consequence of no stock having been apportioned to him, while others much less interested had received so much; he was informed by Whiting that one hundred shares had been assigned to deponent, but in consequence of their fears, that it would be sold and come into the possession of Morgan and others, who wished to obtain the control of the institution, the commissioners had reconsidered it; when being told by deponent that he had made arrangements, and intended holding it, he (Whiting) suggested, as the stock had all been apportioned, deponent might receive a sum equal to the premium asked upon two hundred shares, to enable deponent to become a stockholder upon terms equal with other subscribers. To *James Morgan* this dissatisfaction was also expressed, and deponent was answered, that he (Morgan) had a disagreement with the board of commissioners, and

consequently no influence with them, or that such claims should be fully satisfied, and then spoke of one hundred shares having been apportioned to deponent, while he (Morgan) acted as one of the commissioners, but which he understood had subsequently been stricken from the list. *William S. Coe*, also one of the commissioners, informed deponent, that claims for stock, such as that made by deponent, should receive his support, and that he believed the only difficulty with any of the commissioners, was the fear of Perkins, who had asked for one-quarter of the whole stock, with the view of giving to Morgan and others the control of the bank. This deponent further states, that he had no knowledge at the time of arrangements said to have been made by Perkins, for what is termed, by the committee of the Honorable the Senate, "lobby influence," neither was he aware that any improper or unlawful means had been used by Perkins, or others, in order to obtain the constitutional vote of the Legislature, for the incorporation of the Seventh Ward Bank.

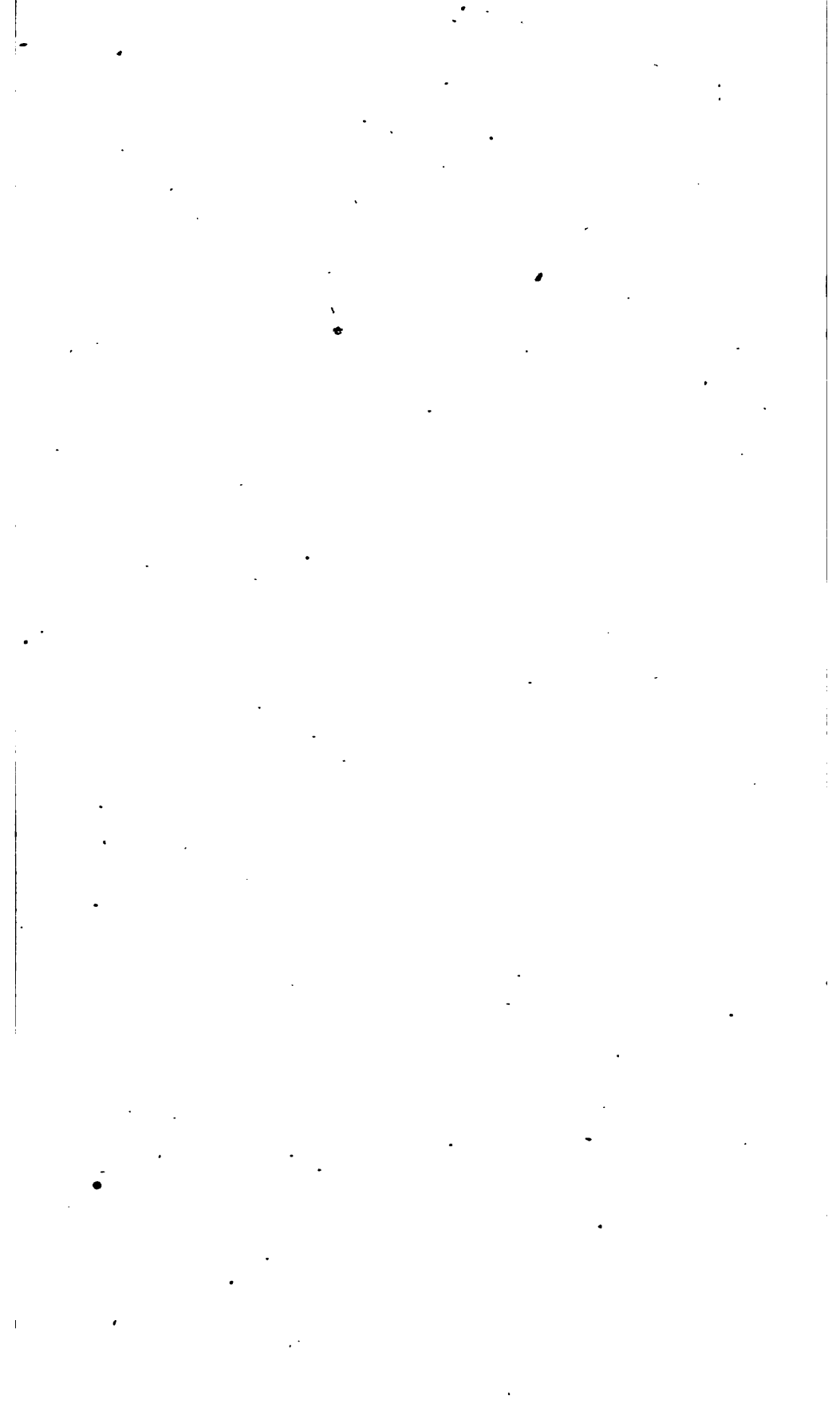
J. D. BROWN.

Sworn before me,

this 24th Feb. 1834,

R. J. HILTON,

Judge Albany county courts, counsellor, &c.



IN SENATE,

February 24, 1834.

PETITION

**From the Christian Party of Oneida Indians, to the
Legislature of New-York.**

To the Honorable the Legislature of the State of New-York.

The petition of the remnant of the Christian Party of Oneida
Indians

RESPECTFULLY REPRESENTS:

That your petitioners, a remnant of the First Christian Party of Oneida Indians, who do not wish to avail themselves of the appropriation made them for the purpose of their emigration to Green Bay, humbly request your honorable body to allot and appoint their equitable quota of said appropriation, to be paid them to disburse and defray their necessary expenditure for lands and personal property, for a comfortable residence among the Pagan Party of the Oneida Nation.

That your petitioners have extreme reluctance to leave the home of their ancestors and graves of their fathers, to emigrate to the region of the west. That the majority of the said party, who have taken possession of the lands ceded by the State of New-York, have received more than a just proportion of the emigration fund.

That your petitioners compose a population of 122 souls, who need the immediate appropriation of the residuum of the said fund to purchase food, raiment, and other necessary comforts.

Your petitioners respectfully ask the benefit of the proceeds of their lands sold under the act passed by your honorable body, du-
[Senate No. 74.]

ring the session of 1829, may be converted into a channel conducive to their present wants and future exigency, as residents within the jurisdiction of the State of New-York; and, as in duty bound, will ever pray.

his
Baptist ✕ Powlis, and family, 9 in number.
mark.

his
John ✕ August, " 4 "
mark.

his
Jacob ✕ Antoney, " 2 "
mark.

his
Anthony ✕ Bigknife, " 13 "
mark.

his
Peter ✕ Duxtader, " 7 "
mark.

his
Aaron ✕ Antoney, " 3 "
mark.

his
Jacob ✕ Duxtader, " 5 "
mark.

his
Baptist ✕ Dana, " 2 "
mark.

his
Jacob ✕ Powlis, " 9 "
mark.

his
Henry ✕ Nimham, " 4 "
mark.

his
Peter ✕ Powlis, " 2 "
mark.

his
Aaron ✕ Bread, " 5 "
mark.

his
William ✕ Shank, " 4 "
mark.

his
Joseph ✕ Duxtader, " 3 "
mark.

his
Abram ✕ Elijah, " 5 "
mark.

his
Mortinus ✕ Duxtader, and family, 3 in number.
mark.

his
Joseph ✕ Beach-tree, " 5 "
mark.

his
Nicholas ✕ Scanandoah, " 7 "
mark.

his
Thomas ✕ Beard, " 4 "
mark.

his
William ✕ Hill, " 9 "
mark.

his
Anthony ✕ Big Knife 2d, " 3 "
mark.

his
Cobus ✕ Silver, " 2 "
mark.

his
Thomas ✕ Antoney, " 5 "
mark.

her
Mary ✕ Schuyler, " 3 "
mark.

his
Adam ✕ Johnson, " 2 "
mark.

his
John ✕ Canada, " 1 "
mark.

Signed in presence of

P. N. H. AUGUSTINE.

Oneida Castle, N. Y. February 16, 1834.

At the request of the above named Indians, I hereby certify, that I am acquainted with them, and believe that they belong to the First Christian Party of Oneida Indians; that they have no lands belonging to the said First Christian Party; and I believe that they are at present desirous to remain in the State of New-York, as specified in the above petition.

T. JUBIUS.



IN SENATE,

February 25, 1834.

REPORT

Of the committee on the judiciary, on the petition of Ephraim Coleman Marsh, executor, and Cornelia L. Morgan, executrix.

Mr. Lansing, from the committee on the judiciary, to whom was referred the petition of Ephraim Coleman Marsh, executor, and Cornelia L. Morgan, executrix, of the last will and testament of William L. Morgan, deceased,

REPORTED:

The petitioners represent, that William L. Morgan, of Ledyard, in the county of Cayuga, departed this life on or about the 29th of March, 1830, and that at the time of his death he was seised and possessed of a considerable real and personal estate: that the said William L. Morgan, previous to his death, made and published in due form of law his last will and testament, and named therein the petitioners as his executor and executrix: that the said will has been proven before the surrogate of the county of Cayuga, by whom letters testamentary have been granted to the petitioners, and they have taken upon themselves the trust thereby conferred upon them: that a portion of the real and personal estate of the testator is, in and by said will, devised and bequeathed to the said executor, Ephraim C. Marsh, in trust to sell the same for the payment of debts and legacies, but that the said will contains no devise or bequest to the said Marsh for his own use or benefit. The petitioners further represent, that they have been advised, that the devise of the said real estate in trust to the said Marsh is so far void, that he cannot execute the same. The petitioners pray

that a law may be passed, confirming the said trust, and authorising the said Ephraim C. Marsh to execute it.

The petitioners have submitted to the committee a copy of the said will. The provision of law with which the trust is supposed to conflict, is found in the 2d volume of the Revised Statutes, page 65, section 50, and is as follows:

"If any person shall be a subscribing witness to the execution of any will, wherein any beneficial devise, legacy, interest or appointment of any real or personal estate, shall be made to such witness, and such will cannot be proved without the testimony of such witness, the said devise, legacy, interest, or appointment, shall be void, so far only as concerns such witness, or any claiming under him; and such person shall be a competent witness, and compellable to testify respecting the execution of the said will, in like manner as if no such devise or bequest had been made."

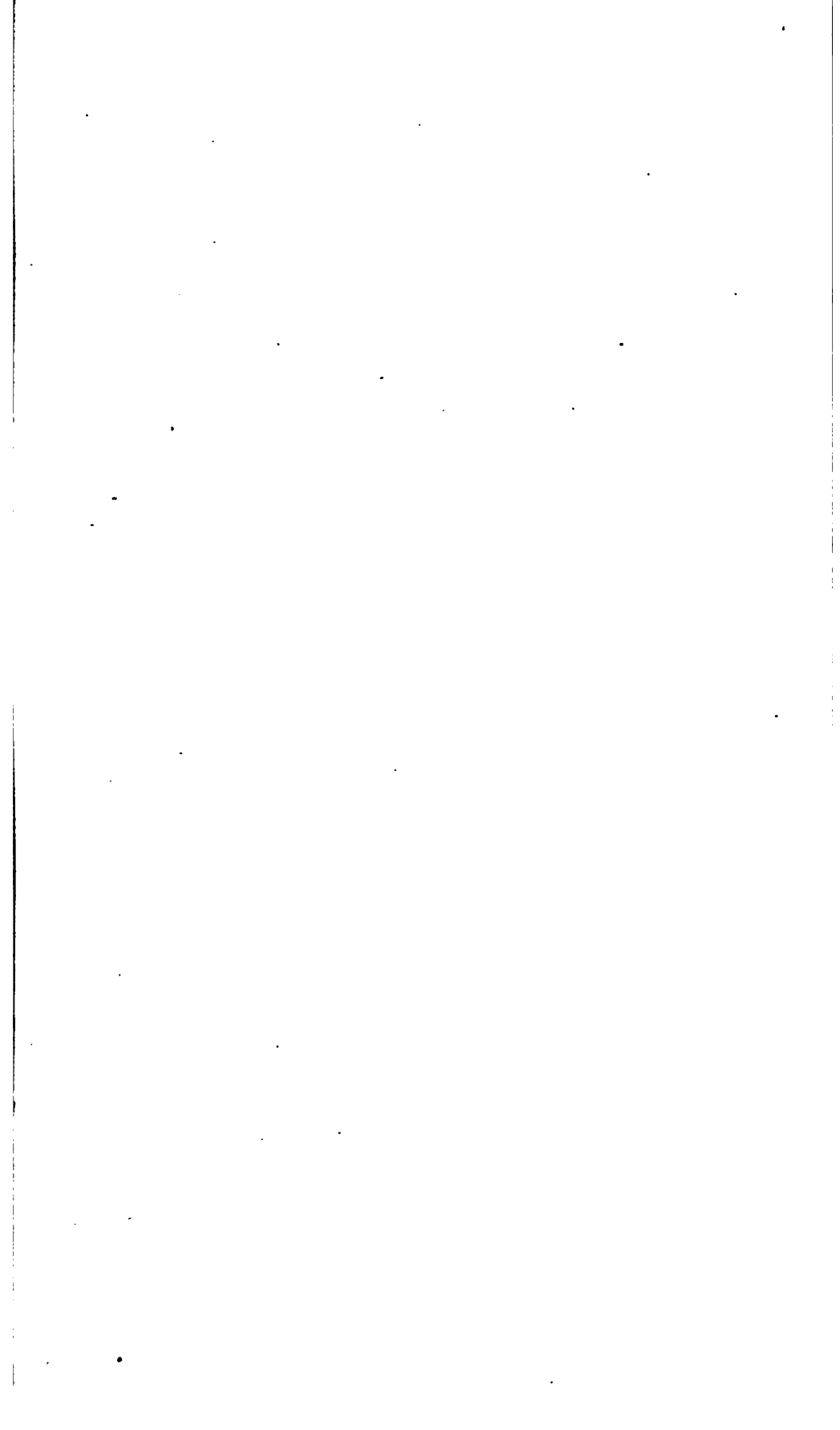
The executor, Marsh, was a subscribing witness to this will, and without his testimony it could not have been proved. But the committee have come to a conclusion different from that which has been drawn by the counsel who have advised the petitioners to make the application.

The trust reposed in the petitioner, Marsh, is a bequest of personal and a devise of real estate, to be disposed of by him for certain purposes, and for the benefit of certain individuals specified in said will; and in no event to belong to him or enure to his benefit. By the Revised Statutes, (vol. 1, page 732, sec. 79,) a definition is given to the word beneficial, as applied to powers. By the Statute a power is defined to be an authority to do some act in relation to lands, which the owner granting the power, might lawfully do. The term "appointment" may be considered as the granting of such power, and may be viewed in a measure equivalent to "power." By the section above referred to, "powers" are said to be "beneficial," where no person other than the grantee has, by the terms of its creation, any interest in its execution. In this case the appointment of Marsh, as trustee, cannot be considered as beneficial, for he has no interest in the execution of the trusts; but on the contrary, they are to be performed solely for the benefit of third persons. Marsh, therefore, in the view of the committee, has no beneficial interest, legacy or appointment under said will, except it may be the appointment as executor: And this

can only be so with reference to his compensation as such executor. But the committee think that such compensation, either as executor or trustee, cannot, without any other benefit, make either appointment "*beneficial*," according to its technical meaning. Such compensation can only be considered as a legal equivalent for services rendered, and does not result from the munificence of the testator.

In this view of the case, the committee are of opinion that Marsh has no beneficial interest, devise, legacy, or appointment under said will, which is rendered void by reason of his being a subscribing witness to said will; and that therefore no legislation is necessary. If, however, the trust conferred upon Marsh was void, the court of chancery has full power to appoint another trustee in his stead, and therefore, also, no legislation would be necessary to enable the will and intention of the testator to be fully complied with.

The committee, therefore, recommend that the prayer of the petitioners be denied, and they have leave to withdraw their papers.



IN SENATE,

February 6, 1834.

ANNUAL REPORT

**Of Aaron Parsons, an Inspector of Leather for the
county of Cayuga.**

TO THE PRESIDENT OF THE SENATE.

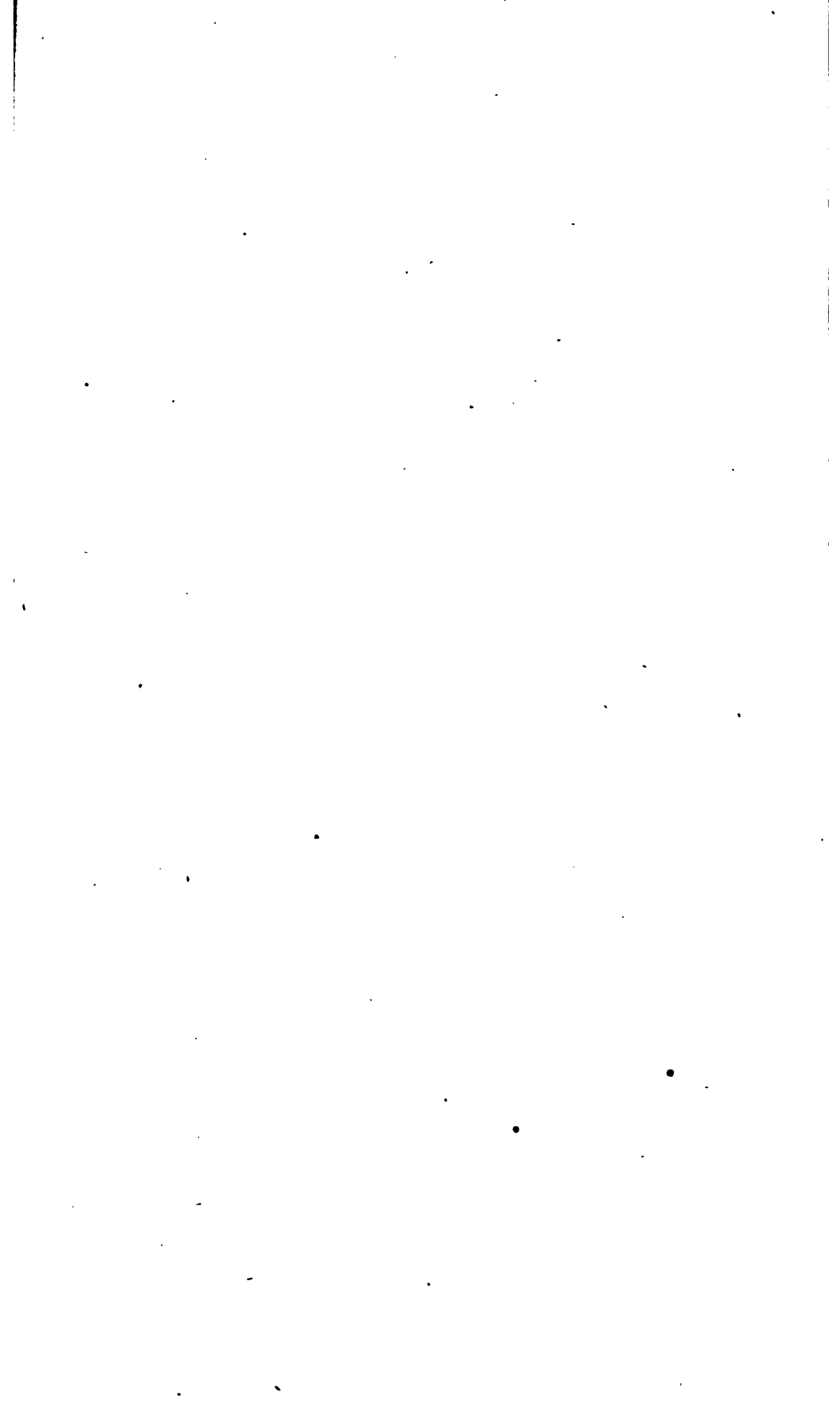
As one of the inspectors of leather for the county of Cayuga, permit me sir, through you to present my annual report to the Legislature of the State of New-York, as I am required by law.

Since the first day of January, 1833, up to the first day of January, 1834, I have inspected, weighed and sealed 749 sides, all of which I considered of the quality of good, except 104 sides, which I stamped damaged.

Fees,.....	\$29 96
Expenses,..	12 79
	<hr/>
Nett proceeds of office,	\$17 17

AARON PARSONS,
Inspector of Leather.

Moravia, Cayuga co. Feb. 1, 1834.



IN SENATE,

February 26, 1834.

REPORT

Of the committee on the judiciary, on the petition of sundry inhabitants of the counties of Orange and Sullivan.

Mr. Lansing, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the counties of Orange and Sullivan, for relief from injuries sustained from the Hudson and Delaware canal,

REPORTED:

That the petitioners represent themselves as residing and owning lands along and near the Hudson and Delaware canal: that owing to the bad construction of the canal, and the imperfect state of the basins, and the improper construction and location of the waste-weirs, and the careless and negligent manner in which the water is occasionally let out of the canal, they are subject to great damage and inconvenience: that owing to the imperfect construction and situation of the canal and its basins, there is much leakage of the waters: that along the line of said canal there are large flats or low lands, on which large sums of money have been heretofore expended, for the purpose of preparing them for cultivation: that previous to the construction of said canal, those flats had been reclaimed, and were occupied as meadow and arable land: that since its construction they have become entirely useless, or mostly so, being covered with water, by reason of leakage from the canal and its basins: that the carelessness in letting out the water frequently overflows these meadows, and by reason of the sluggishness of the streams by which it is carried off from said flats, it remains a long time on them, and has a tendency not only to injure

the property of the petitioners, but also to jeopardize their health and the health of their families. The petitioners therefore pray for a law directing and requiring the canal company so to construct and continue the banks of the canal as to prevent such leakage; regulating the places and manner in which the waters should be wasted out of the canal; requiring proper guard locks to stop the waters in cases of breaks; requiring the company to ditch the meadows so injured by the leakage; and adopting some speedy and cheap remedy for the adjustment of all claims for damages on said company. By the act incorporating said company a special tribunal was constituted, consisting either of certain commissioners or a jury selected and appointed in the manner prescribed by said act, to assess the damages which individuals would suffer by reason of the construction of the canal through their respective lands, which the company were bound to pay. In assessing the damages the tribunal was to take into consideration the advantages also that would be derived to the applicant, from such construction. After the passing of the law, and before the construction of the canal, the inhabitants of the district of country through which it was to pass, viewed its construction favorably, and as likely to produce great benefit. In a commendable spirit of liberality towards the company most of the inhabitants through whose lands it passes released to the company, not only the land for the canal, but also all claim they might have for damages for its construction. In relation to all those individuals, thus releasing, the functions and power of the tribunal before mentioned ceased. The company, by their charter, were authorised to construct a canal; and it no doubt was the intention of the law that it should be constructed in a good and substantial manner, or at all events, in such manner that it should not operate as an injury to others. They are unquestionably bound to construct it, in all its parts and appendages. After so constructing it, they, like individuals, must so use it as not to injure the rights and property of others; and if, by any inadequacy of its works, or the careless and negligent manner of using it, or its wasting the waters thereof, they infringe upon such rights and injure such property, they are liable to those whom they injure, for the amount of their damages. This is a well settled rule, and applicable as well to corporations as individuals.

The tribunal mentioned in the charter of the company can have no jurisdiction in assessing the damages claimed by the petitioners.

It extended only to those damages that might arise from the value of the land taken; the effect the canal would have on other lands; the mode in which it divided lots; the quantity of fence rendered necessary by the canal; or the bridges made necessary to pass from one portion of the farm to another, and like considerations; but it could not have been contemplated that it should take into consideration damages arising from the causes stated by the petitioners. These may be occasional, more or less frequent, more or less extensive, dependent entirely on the nature and extent of the deficiency of the works, carelessness and negligence of the agents. The assessments contemplated by the act was to be based on the presumption that the works were to be made in a substantial and secure manner; otherwise such assessment could not be made in ample justice to a claimant until the company had ceased its operations. The company being bound to do all that the petitioners require, if it is necessary to secure the property of others from injury, and in case of their neglect and consequent damage, the injured individuals having a perfect and complete remedy in the tribunals of the country, the committee are of opinion that no legislation on the subject is now necessary, and therefore recommend that the prayer of the petitioners be denied.



IN SENATE,

March 1, 1834.

REPORT

Letter from Reuben D. Dodge, relative to the Seventh Ward Bank.

To the Hon. J. W. EDMONDS,
Chairman, &c.

Sir—

As my name has been called in question in the report in relation to the Seventh Ward Bank, in a manner highly injurious to me, and as I conceive not justified by the facts of the case, I desire to lay before the committee the explanation, which I could have presented at an earlier day, if the opportunity had been afforded me by them.

I had been some acquainted with Mr. Perkins before he came to Albany last winter, and while he was here he was often asking my advice in relation to his bill, and soliciting me to aid its passage. I really felt in favor of its passage, because I was desirous of increasing banking capital in the city, and from representations made to me by gentlemen of undoubted honor and probity. Therefore I voted for the bill; but certainly had nothing more to do with it: and I well recollect, that in answer to some of Mr. Perkins' repeated importunities, I told him, that such conduct, if continued, might yet cause me to change my mind.

About the time of the passage of the bill, Messrs. Gilbert, Darling, Adriance and Kidder came to Albany, and occupied a room at the same boarding-house, which was situated on the first floor, directly off the dining-room, and which was much frequented by the boarders. I frequently called there after meals, and almost always met more or less company. I recollect that on one occasion, Messrs. Gilbert and Arnold were disputing in reference to [Senate No. 80.]

this bill, the former speaking against the bill or commissioners, I do not recollect which, and the latter favorable. Some appeal was made to me during the conversation, and I replied to them, they must settle their own matters among themselves. I do not recollect whether Mr. Perkins was present at this time, but I certainly intended nothing more by the remark, than to decline having any thing to do with their matters.

In a subsequent conversation with Perkins, the opposition of Gilbert and others was spoken of; but it is entirely untrue that I communicated that fact to Perkins, or that he could have derived his first information of it from me. It is equally untrue that I ever advised him to give the bond to Messrs. Gilbert & Co. or that he ever consulted me about giving it. It is also a mistake that I was present when it was signed, to my knowledge; and if it was signed when I was in the room, it must have been when several others (as was often the case) were also present, and my attention taken up with something else, for I never heard in any manner that such a bond had been given, until after the passage of the bill into a law.

After the passage of the bill, and just before I left for home, Perkins asked me if I would subscribe for stock. I answered him that I thought I would. I did conclude to subscribe for some; and wrote John F. Adriance to subscribe for me. I also wrote Perkins that Adriance would subscribe for me, and requested him to try and get me some stock. All which I concluded I had a perfect right to do, without violating any duty; or that there was any thing at all improper in it.

In conclusion, I beg leave to request that you will adopt such measures in regard to my explanation, as will give it equal publicity with your report.

Very respectfully, your obedient servant,

REUBEN D. DODGE.

Albany, March 1, 1834.

IN SENATE,

March 1, 1834.

REPORT

**Of the select committee on the petition of John H.
Lathrop.**

The select committee to whom was referred the petition of John H. Lathrop, and the report of the Commissioners of the Land-Office thereon,

REPORTED:

That the petitioner states, in his petition, that he is in possession of a gore of land of about one and an half acre, lying on the east side of a tract of land of about twenty-five acres, formerly leased to Moses D. Rose, in the village of Lodi in the town of Salina: that he became the purchaser from the State of the aforesaid land, so leased as aforesaid to the said Moses D. Rose, under a representation that the tract of land so leased contained twenty-five acres, whereas, in truth and in fact it contained only about twenty acres, exclusive of streets; and that these streets were laid out through the said land without his permission, and in violation of the said lease: and he requests that an act should be passed authorising the conveyance of the aforesaid gore to him, in part compensation for his claim, arising in consequence of such deficiency.

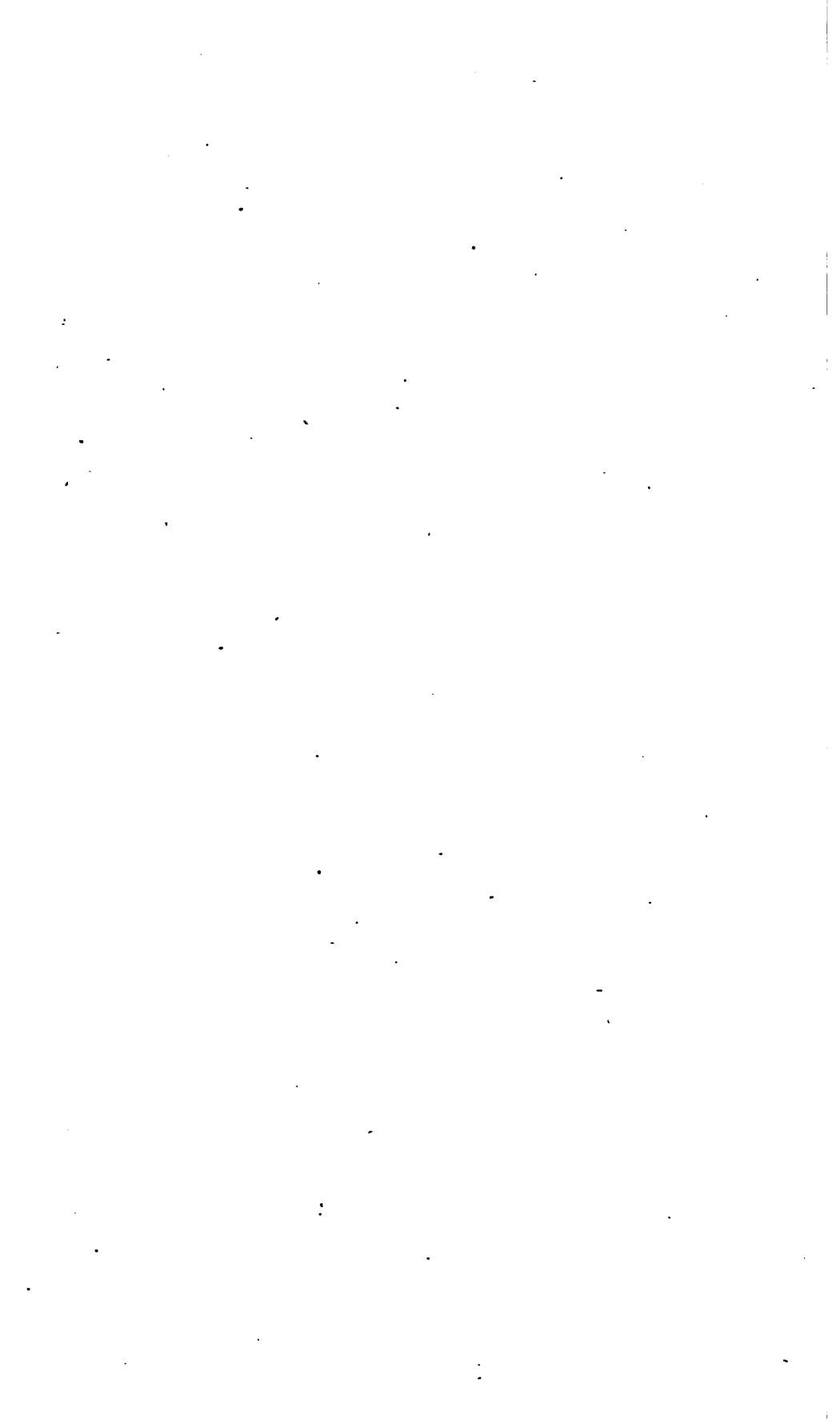
It appears that in the years 1821 and 1822 John Randall, Jr. surveyed and laid out the village plot of the village of Lodi; and that, although the term of the lease to the said Moses D. Rose at that time had not expired, yet the said lease land was included in the said survey and plot, and streets were also laid out by him through the same. In this survey the lines of the lease land were not regarded, but new lines were run for the lots of the village plot, which occasioned two gores of about one and an half acre

each, on the east and west side of the said lease land. The Surveyor-General afterwards had a sale of the lands surveyed, reserving out of that sale the lease land, as well as the gores above mentioned: afterwards, in the year 1827, an act was passed authorising all that certain tract of twenty-five acres, theretofore leased, by the superintendent of the salt springs to the said Rose, pursuant to the act passed the 11th of March, 1814, to be appraised and conveyed by the Commissioners of the Land-Office, to such person or persons as should prove themselves the grantees of the estate conveyed to the said Rose, on paying the appraised value with interest, &c., provided the said lease was surrendered up, &c., which act will be found in the Session Laws of 1827, page 52.

In the year 1829 another act was passed, amending the act of 1827; by which amendatory act the Commissioners of the Land-Office were authorised to convey the lands mentioned in the act of 1827, according to the bounds surveyed, for the ground held under a lease from the people of this State to the said Rose, when allotments of the adjacent ground were made by the authority of the Surveyor-General. The petitioner became the owner of the aforesaid lease to the said Rose before the land was conveyed under the aforesaid acts, and on his surrendering up the aforesaid lease and complying with the provisions of the said acts, the aforesaid lease land was conveyed to him, as described in the said acts; but this description did not comprise the aforesaid gores. When the village plot was surveyed it appears that the aforesaid lease land was included in that survey, by the consent of the then owner of the said lease, and in that survey the streets, of which the petitioner complains, were laid out. He afterwards surrendered up the lease and purchased of the State the land so leased as aforesaid, after the streets were so laid out on the village plot, and, as it must be presumed, with full knowledge that the streets were thus laid out, and would, therefore, be liable to be opened, whenever the owners of the adjacent lots required it.

Under such a statement of facts, your committee concur with the conclusions arrived at in the report of the Commissioners of the Land-Office, that the said petitioner is not entitled to have the said gore of land conveyed to him, in consequence of any claim he may have against the State. But as the aforesaid west gore was conveyed to Rufus Stanton, on his paying the appraised value thereof, by virtue of an act of the Legislature, at the last session, and as

the said petitioner is similarly situated, in relation to the aforesaid east gore, the committee see no reason why he should not have the privilege of purchasing the same at its appraised value. They have, therefore, prepared a bill accordingly, and ask leave to introduce the same.



IN SENATE,

March 3, 1834.

REPORT

**Of the committee on agriculture, on the petition of
inhabitants of Tioga county.**

Mr. Halsey, from the committee on agriculture, to whom was referred the petition of inhabitants of the county of Tioga, for an amendment to the "Act to prevent horse-racing, and for other purposes," authorizing the farmers and citizens of the county of Tioga, to form a society or association for the improvement of the breed of horses, and making it lawful for such society or association to establish a fair or market for the exhibition and sale of horses, and also race-courses, &c.,

REPORTED:

That the petitioners, in their petition, state, that "in the county where they reside, and the adjoining counties, there is no good breed of horses. The stock of horses in general, is of the poorest kind, and sell in market at the lowest rates." They further state that they "are anxious to adopt some measures calculated to promote improvement in the breed of horses in the southwestern counties of this State." They therefore pray that a law may be passed "to amend the act, entitled 'An act to prevent horse-racing, and for other purposes,' and authorizing the farmers and citizens of the county of Tioga, to form a society or association for the improvement of the breed of horses, and making it lawful for such society or association to establish a fair or market for the exhibition and sale of horses, and also courses for races or trials of speed in said county, with such other provisions and regulations as are contained in the creating a similar society in the county of Dutchess," &c.

The law to prevent horse-racing was passed with a view to prevent the demoralizing influence which such exhibitions would have upon the community. The committee believe that the best interests of society required the passage of the law, and they cannot but regret that it has been so far repealed as to allow race-courses to be established in several counties of the State. So far from being of any benefit in the improvement of the breed of horses, the use of them is considered a nuisance; and in the opinion of the committee, it ought to be entirely prohibited. On those occasions, an immense concourse of people of all classes and descriptions are drawn together, generally to the neglect of their private affairs, and in but too many instances, to the destruction of their morals. The young are liable to be corrupted; the middle aged are in danger of being tempted to resume evil habits which had perhaps been long abandoned, and *all* are in danger of "sinning, or being sinned against," by the numerous gamblers and pick-pockets who never fail to attend at such places.

The same reasons which operate against the establishment of race-courses, will apply to the exhibitions at fairs or markets for the sale of horses. And such exhibitions are considered as entirely useless, as good horses can always be readily sold without them; and it is presumed that few poor horses could be sold with the aid of such establishments.

The *useful* classes of horses are those which by their size, shape and gentleness of disposition, are fitted by nature for team or carriage horses, or for ordinary use under the saddle. Race-horses are not valuable for either of those purposes. They are bred under high feed, and *trained* for the *race-course*; are usually too light and inefficient for use before the wagon or plough. Their constant propensity to run unfits them for carriage or saddle horses; and as the stock very generally inherits all the vicious propensities of the sires, this class of horses is considered of little or no value for improving the breed.

The petitioners express the opinion that "a law like the one called for in the petition, would do much to prevent the immorality and vice which attend the practice of horse racing, now prevailing in almost every neighborhood in the country."

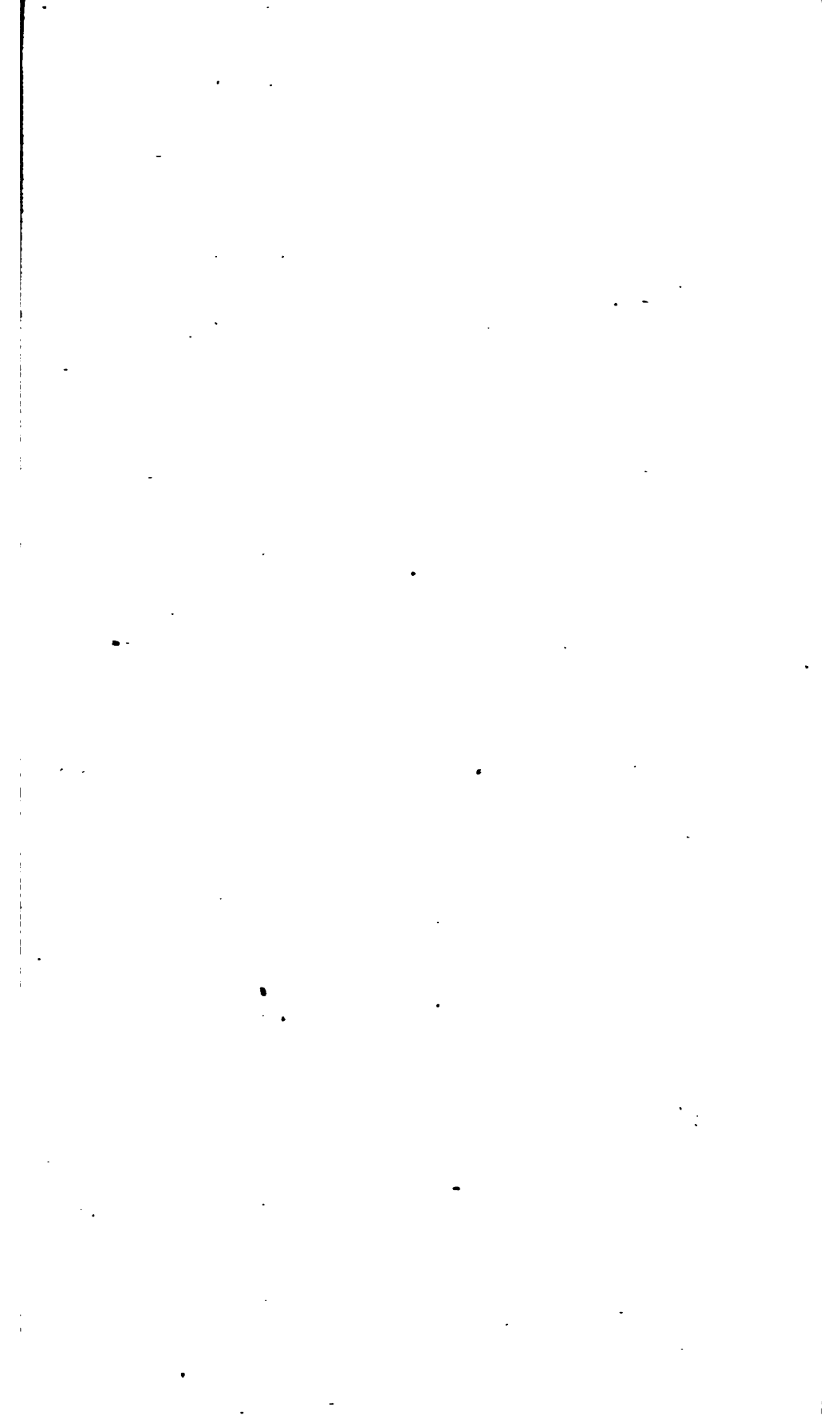
It is difficult to perceive how such an effect could be produced by the establishment of race-courses. The *effect* is usually in propor-

tion to the *cause*. And if these scrub races (so called) are productive of so much moral evil, it cannot be doubted but that the establishment of race-courses on a *larger scale*, would be still more destructive to the moral interests of the community. The committee cannot believe that "scrub races" would be prevented by *allowing horse racing to be lawful*. They are convinced that it would have a contrary effect, inasmuch as there is a strong propensity in the human mind to imitate what has been done by others. And this propensity to imitation extends to the performance of acts of *immoral tendency*, as well as to those which are not of that character. And it is believed that were trials of speed among those considered the *higher order* of sportsmen entirely prohibited, there would be few, if any, among those of *inferior orders*. The fact of the existence and toleration of horse races against the positive terms of the law, seems rather to indicate a lax state of moral feeling in not putting the law in force, than that the law itself is not founded in sound policy and justice.

The committee are satisfied that the petitioners are mistaken in their views respecting the best mode of improving the breed of horses. If the facts accord with the opinion expressed by them, "that the laws now in force on this subject have had a salutary influence in the production of a healthful, active, hardy and serviceable breed of horses in those counties and the counties immediately contiguous, where the laws alluded to, have their operation;" still the ease and facility with which the "*improved breeds*" might have been introduced from those counties into the county of Tioga, are such, that it was with no small degree of surprise the committee received the information, that "*poor horses only*" had heretofore been raised there. And the fact appears the more extraordinary, inasmuch as *good* and "*improved breeds*" of horses are about as easily and cheaply raised as the *inferior kinds*, and to much greater profit.

The committee will not permit themselves to doubt, that in a short time, the spirit of enterprise for which the inhabitants of the "southwestern counties" are so eminently distinguished, will enable them to compete in the markets in the sale of horses, with the citizens of any other part of the State, or of the United States, without the aid of establishments productive of such an immense amount of moral evil as race-courses and fairs.

They therefore report against the prayer of the petition, and recommend that the petitioners have leave to withdraw it.



No. 83.

IN SENATE,

February 28, 1834.

ANNUAL REPORT

Of the Regents of the University.

The Honorable JOHN TRACY,

President of the Senate.

SIR—

I have the honor to transmit herewith the annual report of the Regents of the University to the Legislature.

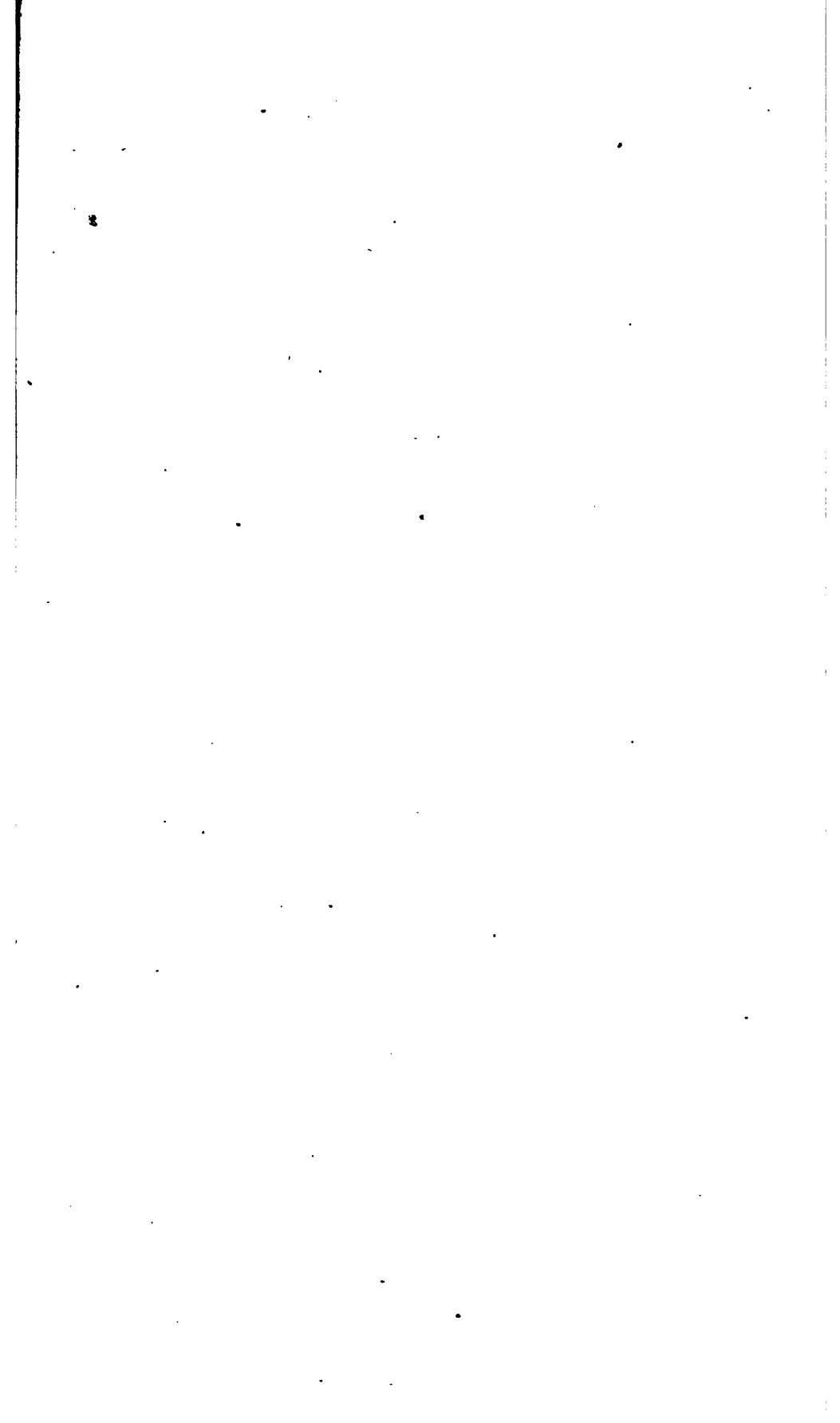
I have the honor to be,

Sir, with great respect,

Your obedient servant,

S. DE WITT.

Albany, February 28, 1834.



ANNUAL REPORT

OF THE

REGENTS OF THE UNIVERSITY

OF THE

STATE OF NEW-YORK.

MADE TO THE LEGISLATURE, FEBRUARY 28, 1834.

ALBANY:

PRINTED BY CROSWELL, VAN BENTHUYSEN AND BURT.

.....

1834.



REPORT, &c.

To the Honorable the Legislature of the State of New-York.

THE REGENTS OF THE UNIVERSITY RESPECTFULLY REPORT:

That during their present session they have received the customary annual reports from all the colleges in the State, and from sixty-seven of the incorporated academies and other seminaries of education subject to their visitation.

From the report of Columbia college it appears that the whole number of students belonging to that institution is one hundred; and that the number in the grammar school attached to the college is two hundred and seventeen, Twenty-four graduates received the degree of bachelor of arts at the last annual commencement. The report states "that during the present academic year no students have entered for the literary and scientific course in this institution."

The trustees of Union college report, that their present faculty consists of a president, four professors, three adjunct professors, an instructor of the French and Spanish languages, a tutor and two fellows. The number of graduates admitted to the degree of bachelor of arts at the last annual commencement was sixty-nine; and the whole number of students now belonging to the college is 225.

The trustees state in their report "that considerable payments have been received from Yates & McIntyre during the last year; and that as the lotteries are now closed, and as the remaining obligations against Yates & McIntyre are shortly to become due, it is expected that the trustees will soon have it in their power to make a final report to the Regents on that subject."

From the report of Hamilton college it appears that its faculty consists of a president, four professors, and three tutors; and that the number of students matriculated in the college is 103.

The trustees represent that the legacy bequeathed to them for the endowment of a law professorship in their college has not yet come to their hands. That their productive funds, applicable to the payment of their current expenses, having become nearly exhausted, they have for sometime been soliciting donations to enable them to raise \$50,000 in aid of their exhausted finances; that more than \$28,000 of that sum "have been subscribed and promised in the county of Oneida, and upwards of \$7,000 more by some of the trustees and individuals in *three* western towns; so that the trustees have confident expectations that the whole sum will be speedily raised." But should such expectations not be realized, and no relief be obtained from other sources, the trustees represent "that their institution will be seriously embarrassed in its pecuniary operations," and its future usefulness much diminished.

Geneva college has a president, four professors, and two tutors. Two of the professors receive no salaries; and the salaries of all the other officers amount to \$3,250, while the revenue of the college is \$3,568. The whole number of students who received instruction at the college during the past year was 58: the number belonging to the college, at the close of its last term, was 42. The graduates at the last commencement were only eight.

The result of particular observations on the variation of the magnetic needle at Geneva, on the first day of October last, is communicated by the trustees in their report. Similar communications were expected, but have not been received from the other colleges in the State.

The Chancellor of the university of the city of New-York reports, that the number of professors now engaged in that institution is ten, and the number of students belonging to it 274.

The trustees of the college of physicians and surgeons of the western district report, that the number of students attending the last course of lectures delivered at the college was 217; of whom fifty-five have received from the Regents the degree of doctor of medicine.

The trustees state in their report, that the whole of the contingent expenses of the college, for the current year, has been defrayed by its professors out of their own private funds; and that the unpaid portion of the debt of \$1,200, incurred last year for the

enlargement and alteration of one of the college buildings, has in like manner been paid by them. The professors are yet in debt \$2,000; being the balance still due for buildings erected for the accommodation of the students of the college.

From the report of the trustees of the college of physicians and surgeons in the city of New-York, it appears, that the whole number of students attending lectures in the college during the present session is 158. The number of candidates for the degree of doctor of medicine is not yet known, as the collegiate term of study was not closed at the time of the trustees report.

The whole number of academies and other seminaries of education in the State, (exclusive of colleges,) registered by the Regents as subject to their visitation is 79. Of that number, 49 have been incorporated by the Regents; 28 have been incorporated by the Legislature, and have placed themselves under the visitation of the Regents in the manner prescribed by law; and the remaining two (the New-York institution for the instruction of the deaf and dumb, and Fort-Covington academy,) have been made subject to such visitation by the Legislature, either in the original acts for their incorporation, or in subsequent acts passed for that purpose.

Of the whole number of academies, subject to the visitation of the Regents, 67 have made the customary annual reports for the last year, and are included in the distribution of \$10,000 from the income of the Literature Fund, made during the present year. Of the remaining twelve, there are only two, (Schenectady and Sullivan county academies,) from which reports were expected, but have not been received. The other ten are presumed to have ceased to exist, some of them not having made any reports to the Regents for many years. Their names are Columbia academy at Kinderhook, Catskill academy, Otsego at Cooperstown, Blooming-grove at Blooming-Grove in Orange county, Ballston, Union at Stone Arabia in Montgomery county, Washington at Warwick in Orange county, Steuben in Oneida county, White Plains in Westchester county, and Jefferson in Schoharie county. The two last named academies have placed themselves under the visitation of the Regents, but have never made any academic reports.

Elaborate abstracts from all the academic returns for the last year are herewith transmitted, in schedules A and B, accompanying this report. The abstracts exhibit the name and place of each

academy, the number and grade of its students, the amount of money apportioned to it from the income of the Literature Fund, the different studies pursued in it, with all other matters required by law to be contained in the annual report of the Regents to the Legislature.

From the abstracts above referred to it appears, that the whole number of students belonging to all the academies, from which reports have been received, was, at the close of the year for which the reports were made, 5,506, while the number or proportion of those students claimed and allowed to have pursued classical studies, or the higher branches of English education, for four months or upwards of said year, is 3,390.

In 1827, immediately previous to the great increase made by the Legislature of that year to the Literature Fund, the whole number of academies, from which reports were received by the Regents, was 33; and the whole number of students belonging to them, at the time the reports were made, was 2,440; while the proportion of those students returned as classical scholars was only 709. Since that time, and during the short period of only seven years, the number of academies making reports to the Regents, and receiving distributive shares of the income of the Literature Fund, has been doubled; and the whole number of students belonging to them has been considerably more than doubled; while the number of classical scholars, or scholars in the higher branches of English education has become in 1834 nearly five times greater than it was in 1827. Some part of this great increase is probably owing to the enlarged limits given to the classical or favored studies since 1827; whereby many students, not formerly included in the grade of classical or favored students, have now become entitled to that rank; but it is believed that the chief cause of the increase will be found in the new impulse given to academic studies, by the increased endowment of the Literature Fund made by the Legislature in 1827.

The aggregate value of all the academy lots and buildings for the accommodation of students, as stated in schedule B, accompanying this report, is \$381,500; the value of all the philosophical apparatus and libraries belonging to the academies, included in that schedule, is \$24,176; and the aggregate value of their other permanent funds, both real and personal, is \$194,226. The amount of their revenue, from tuition, is \$69,252.72, and from other sour

ces, \$10,317.63, making the total amount of their annual revenue \$79,569.75, exclusive of what they receive from the income of the Literature fund. The whole number of teachers in all the academies is 295; but the whole amount of salaries paid to them cannot be ascertained with sufficient precision to be stated in this report.

In several of their former communications to the Legislature, the Regents adverted to the importance of establishing a course of instruction in every academy, for the special purpose of educating teachers of common schools. To those communications the Regents refer for their general views on this important subject. They will only remark, on this occasion, that those views have been confirmed by subsequent observation and reflection.

In some of the academies, during the last year, a considerable number of common school teachers have been educated, and sent out to enter on the business of school teaching. In this respect, St. Lawrence and Oxford academies deserve, as heretofore, special commendation: but the Regents regret that it is not in their power to extend this commendation to many other academies. They had hoped, that the opinion so often expressed by them, in favor of establishing in every academy a department for the education of common school teachers, would have secured, both from the trustees and teachers of academies, much more attention to the subject than appears to have been bestowed on it. If the Regents were empowered by law to make such discrimination in the distribution of the income of the Literature fund, as to increase the distributive share of each academy in proportion to the number of common school teachers educated in it, they would be able to hold out greater inducements for the education of such teachers, than any heretofore offered by them.

Abstracts of the usual returns of meteorological observation, made at most of the academies in the state, during the last years are herewith transmitted. The only difference between the abstracts of this and those of former years is, that the present ones contain a comparative view of the average or mean temperature, quantity of rain, &c., for each of the last eight years, with a general mean or average for the whole number of those years.

Since the last annual report, the Regents have addressed circulars to the colleges and academies, recommending observations to be annually made on the variation of the magnetic needle, as high-

ly interesting, respecting the means of retracing the boundaries of lands, which have since the first settlement of our country been generally given by angles with the magnetic meridian. To effect which, rules have been prescribed and published with the last annual report. Some reports of such observations have been made, but not in sufficient numbers to render a detail of them now interesting. Additional instructions will be given for the purpose of having the object carried into complete effect; that is, to have a true meridian established with the greatest accuracy, as an appendage to every college and academy, and to have the variation between it and the magnetic meridian annually observed and reported. It will require yet some time to have this satisfactorily done; but, when effected, it is obvious that it will not only be beneficial in settling controversies about landmarks, but contribute also to the promotion of useful science.

The academies have been furnished with conical rain gauges, constructed at a cheap rate, which it is believed will be found less liable to error, both in the making and the management of them, than those more costly ones, with which they were originally furnished. Simultaneous observations with both have been directed to be made, in order to enable the Regents to form a judgment of their comparative merits. But a sufficient number of such observations have not yet been reported to justify a positive decision. Further instructions will also be given on this subject, with the view of having the means more fully before them, for judging on the comparative merits of the two instruments. From the reports that have been received, and from the greater liability of the old rain gauges to inaccuracies in their construction, and the management of them in the making of observations, the Regents are inclined to believe, that on a full trial the conical rain gauges will be found entitled to the preference.

The Regents have had the gratification of perceiving by European publications, emanating from the highest scientific source, uncommon eulogies on the measures adopted by the state of New-York, and the War Department of the United States, for collecting meteorological observations. The latter has enjoined them on their officers stationed at the military posts, widely scattered through our extensive territories; and from a correspondence with that department, it is expected, that such an uniformity in making observations will be effected, as cannot fail of being extensively

useful to our country, and to the general cause of science. The example set by our State, it is hoped, will be ultimately followed by every State in the Union; and when that shall be consummated, a mass of observations, confessedly of high importunce, may be embodied in a manner without a parallel in any other part of the world, in relation to this department of universal knowledge.

The increased number of academies will require the necessary means for furnishing them with additional supplies of rain gauges and thermometers.

By order of the Regents of the University.

SIMEON DE WITT, *Chancellor.*

GIDEON HAWLEY, *Secretary.*

Albany, February 28, 1828.

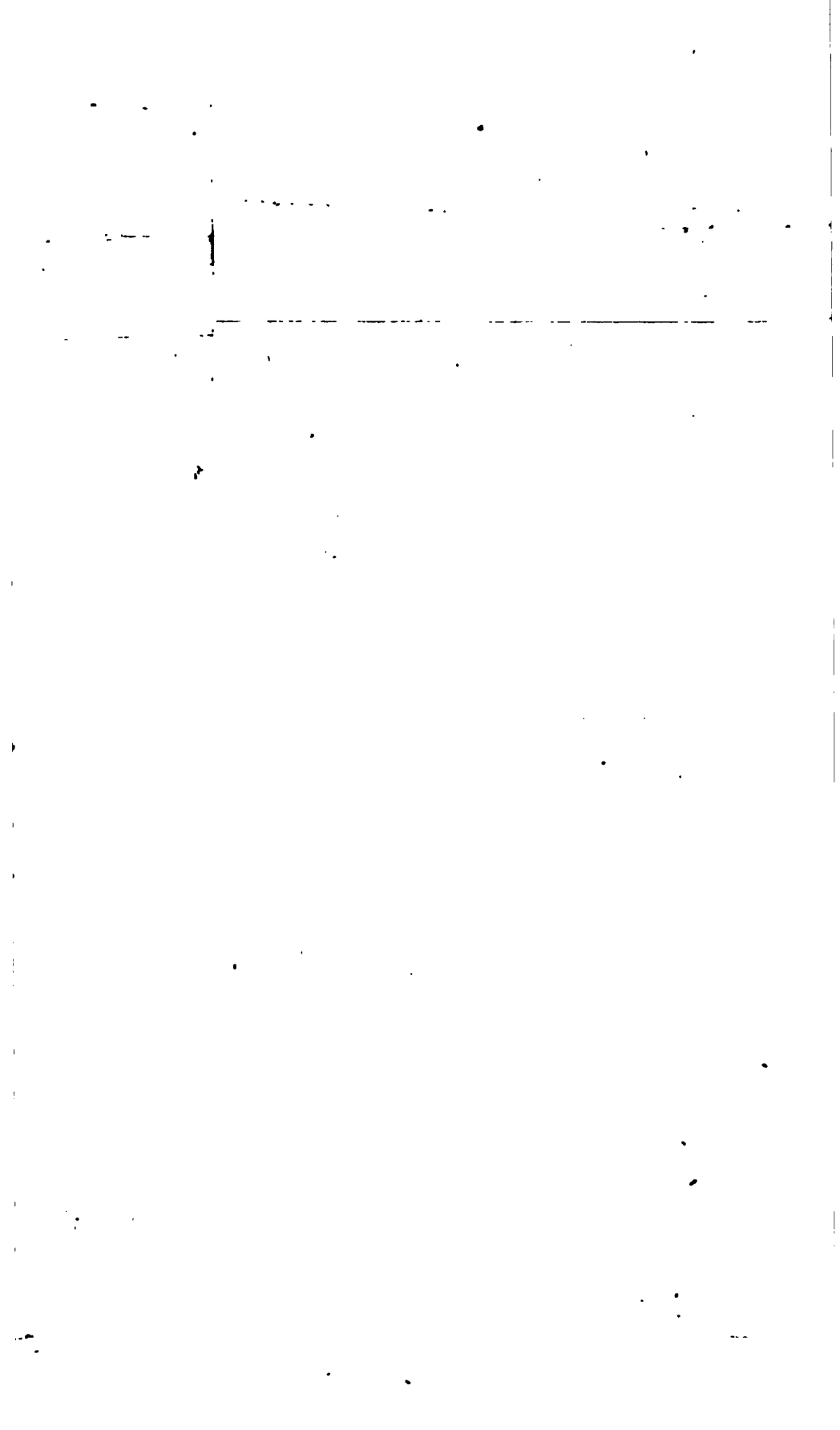
AB

(A.)

ABSTRACT

(A.)

ABSTRACT



AN ABSTRACT
OF THE
RETURNS
OF
METEOROLOGICAL OBSERVATIONS
MADE TO THE
REGENTS OF THE UNIVERSITY,
FOR THE YEAR 1833,
BY
Sundry Academies in this State,
IN OBEEDIENCE TO INSTRUCTIONS, DATED
MARCH 1, 1835.

ACADEMIES.

List of Academies reporting.	Towns.	Counties.	Time for which they report.	Observers.
Albany,	Albany,	Albany,	The whole year,	T. Romeyn Beck, M. D. Principal.
Auburn,	Auburn,	Cayuga,	The whole year,	Alvan Fisk, Principal.
Bridgewater,	Bridgewater,	Oranget,	The whole year,	J. F. Townbridge, Trustee, and U. Whelan, Principal.
Buffalo,	Buffalo,	Erie,	January to May, inclusive,	T. Burwell, Principal.
Cambridge,	Cambridge,	Washington,	The whole year,	Matthew Stevenson, M. D.
Canajoharie,	Canajoharie,	Montgomery,	The whole year, incomplete,	William Parker, Principal.
Canandaigua,	Canandaigua,	Ontario,	The whole year,	Henry Howe, Principal.
Cayuga,	Cayuga,	Cayuga,	The whole year, ex. January,	Salem Town, Principal.
Cherry-Valley,	Cherry-Valley,	Oswego,	The whole year,	William Campbell, Esq. Trustee.
Clinton,	Clinton,	Suffolk,	The whole year,	Daniel Dayton, Esq.
Cortland,	Cortland,	Cortland,	The whole year, incomplete,	George W. Bradford, M. D.
Delaware,	Delhi,	Delaware,	The whole year, ex. 1st 4 Jan.,	Orange Clark, Principal.
Dutchess,	Poughkeepsie,	Dutchess,	The whole year,	L. C. Holcomb, Principal, and Wm. Atwell, Teacher.
Erasmus Hall,	Flatbush,	Kings,	The whole year,	J. W. Kellogg, Principal.
Fairfield,	Fairfield,	Herkimer,	The whole year, incomplete,	J. E. Chassell.
Farmers' Hall,	Goshen,	Orange,	September to December, inclu.,	Nathan Stark, Principal.
Gouverneur,	Gouverneur,	St. Lawrence,	The whole year,	J. Hopkins, Principal, and I. H. Tyler.
Hamilton,	Hamilton,	Madison,	The whole year,	Zenas Morse, Principal, and Austin White.
Hartwick,	Hartwick,	Oswego,	The whole year, ex. p't of Aug.,	George B. Miller, Principal.
Hudson,	Hudson,	Columbia,	The whole year,	James W. Frisbie, Principal.
Ithaca,	Ithaca,	Tompkins,	The whole year,	William A. Irving, Principal.
Johnstown,	Johnstown,	Montgomery,	March to Dec. inclusive,	A. Murray, Jr., Wm. Maxwell and John G. Smart.
Kinderhook,	Kinderhook,	Columbia,	The whole year,	Silas Metcalf, Principal.
Kingston,	Kingston,	Ulster,	The whole year, incomplete,	Henry Hurlbut and R. B. Hubbard.
Lansingburgh,	Lansingburgh,	Rensselaer,	The whole year,	Alexander McCall, Principal.
Lewiston,	Lewiston,	Niagara,	The whole year,	Sullivan Caverno, Principal.
Lowville,	Lowville,	Lewis,	The whole year, incomplete,	Cyrus M. Fay, principal.
Middlebury,	Middlebury,	Genesee,	The whole year,	Seth Cushing, Jr., Tutor.
Montgomery,	Montgomery,	Orange,	The whole year,	Jacob C. Tooker, Principal.
Newburgh,	Newburgh,	Orange,	The whole year,	Albert Wells, Principal.
North-Salem,	North-Salem,	Westchester,	The whole year,	Hiram Jelliff, Principal.
Onondaga,	Onondaga,	Onondaga,	The whole year,	J. I. Hendrick, Principal.
Oxford,	Oxford,	Chenango,	The whole year,	M. G. McKoon, Principal, and Sam'l McKoon.
Oysterbay,	Oysterbay,	Queens,	July to Dec. inclusive,	G. B. Docherry, Principal.
Palmyra,	Palmyra,	Wayne,	Aug. to Dec. inclusive,	N. E. Spencer, Teacher.
Poupey,	Poupey,	Onondaga,	The whole year,	Andrew Huntington, Principal.

ACADEMIES, (Continued.)

List of Academies reporting.	Towns.	Counties.	Time for which they report.	Observers.
Redhook,	Redhook,	Dutchess,	The whole year,	Lyman Thompson, Principal.
Rochester,	Rochester,	Monroe,	The whole year, incomplete,	E. S. Marsh, M. D., D. Marsh and A. Munson.
St. Lawrence,	Potsdam,	St. Lawrence,	The whole year,	J. Caswell, Teacher.
Sem. of Gen. and Orel. Con.,	Cazenovia,	Madison,	The whole year,	John Johnson, a teacher.
Springville,	Concord,	Erle,	The whole year, incomplete,	H. H. Barney, S. W. Abbott and L. Parsons.
Union,	Ellisburgh,	Jefferson,	The whole year,	John W. Sargent.
Union-Hall,	Jamaica,	Queens,	The whole year,	Pierpont Potter, H. Onderdonk, Jr. and Charles Leach.
Utica,	Utica,	Oneida,	The whole year, incomplete,	D. Prentice, Principal.

JANUARY, 1883.

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)							WEATHER, (NO. OF DAYS.)					Rain gauge.		
	Mean temperature.		Highest de- gree.	Lowest de- gree.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.		Snow.	Rain & Snow.
	1st half.	2d half.																	
Albany,	32.80	26.52	60	-6	66	24	1	....	14	16	1	4	64	15	16	3	4	....	2.63
Auburn,	32.32	25.65	62	-7	69	1	1	....	7	6	34	3	24	12	19	1	3	1	1.42
Bridgewater,	31.41	25.91	64	-14	78	4	7	11	....	184	11	....	7	6	25	44	....	....	2.75
Buffalo,	29.84	25.33	49	-8	48	10	....	1	....	34	5	....	6	13	214	44	14	....	3.60
Cambridge, Washington,	30.82	25.28	59	-1	67	10	....	64	....	134	14	74	14	12	19	24	64	....	1.94
Canaoharrie,	29.77	23.11	52	-12	64	....	44	....	....	8	14	44	8	5	234	4	8	....	1.71
Canandaigua,	32.45	26.01	66	-4	62	1	2	34	3	84	14	9	8	11	20	14	44	....	2.89
Cherry-Valley,	30.60	23.79	62	-12	74	1	7	1	3	34	14	74	3	184	194	9	1	....	2.71
Clinton,	34.83	32.04	64	15	49	1	....	1	....	3	3	7	74	104	204	14	5	64	3.02
Cortland,	31.32	26.66	69	-7	76	1	4	....	14	13	....	....	74	104	204	14	5	64	3.13
Deane,	34.66	37.70	65	-1	66	1	2	....	10	74	34	1	5	12	15	14	14	....	1.66
Erasmus Hall,	38.49	33.40	63	-12	51	24	4	....	1	34	8	34	74	154	154	14	14	....	2.90
Fairfield,	27.07	16.72	47	-13	59	....	....	24	10	....	....	....	4	14	24	34	44	....	3.62
Geneva,	26.53	18.68	57	-31	88	1	6	....	6	3	8	4	14	7	134	....	....	....	2.45
Gouverneur,	29.00	25.40	63	-23	86	1	1	....	....	3	54	13	....	2	24	2	....	....	2.30
Hamilton,	29.44	26.39	64	-2	62	....	1	14	6	54	13	....	104	7	24	6	....	....	3.95
Hartwick,	29.44	26.39	64	-2	62	....	1	14	6	54	13	....	104	7	24	6	....	....	3.95
Hudson,	32.26	26.39	62	-5	67	4	1	....	84	10	....	....	....	2	24	9	....	....	2.30
Ithaca,	40.74	36.97	71	0	71	64	....	24	14	124	....	....	....	12	16	2	....	....	1.65
Kinderhook,	31.57	24.81	65	-4	74	84	....	....	1	15	14	....	....	14	17	24	....	....	4.92
Kingston,	28.64	32.90	64	-4	68	14	....	2	4	....	5	5	114	17	14	1	....	....	2.92
Lebanon,	31.78	27.92	59	-8	60	5	14	....	1	15	14	....	....	8	23	4	....	....	2.10
Lewiston,	63.87	36.87	62	-3	69	....	14	....	1	54	9	....	....	54	24	2	....	....	1.64
Lewiston,	30.11	19.83	58	-23	84	104	....	....	....	14	....	....	....	24	24	....	....	....	2.42
Loville,	34.31	37.47	65	-2	63	4	1	....	....	7	....	....	....	104	204	....	....	....	1.95
Middlebury,	33.15	27.47	70	0	70	1	3	....	....	13	....	....	....	14	164	....	....	....	2.42
Montgomery,	36.28	29.44	68	0	68	24	5	....	....	24	144	....	....	13	19	1	....	....	2.17
Newburgh,	32.51	26.37	65	0	69	24	44	....	1	104	....	....	....	7	24	....	....	....	1.95
North-Salem,	34.57	27.99	64	-5	69	....	....	....	....	104	....	....	....	13	19	1	....	....	2.17
Orangetown,	28.06	23.33	64	-5	73	3	1	....	24	104	....	....	....	7	24	....	....	....	1.95

JANUARY, 1888, (Continued.)

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)				Rain inches.		
	Mean temperature.		Highest de- gree.	Lowest de- gree.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.		Snow.	Rain & Snow.
	1st half.	2d half.																	
Pompey,	27.34	23.48	59	68	68	104	4	1	6	34	11	5	5	54	54	46	7	...	1.74
Redhook,	40.38	27.82	65	69	69	104	14	1	2	16	11	5	5	54	74	1	11	...	1.40
Rochester,	33.37	28.44	64	58	58	34	44	1	24	8	58	91	44	54	54	4	11	...	1.30
St. Lawrence,	23.03	14.67	52	76	76	34	44	1	104	44	104	...	8	64	244	5	24	...	1.25
Sem. of Gen. and Onsl. Conference,	30.22	22.69	60	71	71	3	1	...	24	54	7	3	124	134	174	4	34	...	1.42
Springville,	37.22	27.98	58	56	56	3	1	...	14	24	10	104	24	7	24	14	14	...	2.85
Union,	26.00	24.20	44	42	42	3	44	14	1	34	6	74	5	12	19	14	14	...	1.30
Union-Hall,	34.26	31.40	67	57	57	...	6	4	1	1	34	...	164	194	114	24	14	...	2.17
Utica,	30.20	25.41	56	65	65	...	...	4	11	1	44	104	...	224	84	24	...	...	2.17

FEBRUARY, 1833.

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)					Rain gauge.	
	Mean temperature.		Highest de. Fro.	Lowest de. Fro.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.	Snow.		Rain & Snow.
	Mean temperature.																		
	1st half.	2d half.																	
Albany,	19.08	25.03	47	-10	57	46	...	...	...	54	24	64	104	164	114	8	4	2	2.56
Auburn,	22.48	25.03	48	0	48	44	...	...	...	54	14	14	194	15	13	...	24	...	1.63
Bridgewater,	14.90	21.77	46	-16	62	2	44	...	...	10	...	84	74	10	18	...	7	...	2.24
Buffalo,	22.31	17.83	40	-3	43	1	44	...	...	2	...	94	1	17	11	...	44	...	1.65
Cambridge, Washington,	14.54	22.45	49	-18	67	124	...	...	...	104	14	124	8	14	13	...	74	...	1.83
Campobario,	16.97	23.28	48	-16	64	...	...	...	...	5	...	14	2	14	14	...	...	...	1.30
Canandaigua,	21.24	23.27	53	4	48	...	...	...	...	64	1	74	74	5	23	...	9	...	3.30
Cayuga,	26.71	25.47	53	4	49	44	24	...	...	...	...	44	11	24	54	...	4	...	...
Cherry-Valley,	17.54	21.46	46	-3	49	...	...	...	...	9	...	12	5	124	154	...	54	...	1.91
Clinton,	27.73	22.83	48	10	58	24	2	24	...	2	...	14	15	194	134	...	14	...	1.83
Cortland,	20.44	22.82	60	-5	65	54	...	...	...	3	...	14	3	134	15	...	44	...	...
Delaware,	16.34	19.14	45	-10	55	...	...	...	...	13	...	2	4	104	174	...	...	...	1.05
Dutchess,	22.21	29.31	48	-7	55	4	2	14	...	24	...	...	8	164	114	...	34	...	1.53
Erasmus Hall,	29.30	34.45	54	10	44	24	3	4	...	1	...	...	13	18	10	...	1	...	1.00
Fairfield,	14.03	21.53	45	-9	54	...	...	...	...	34	1	...	19	8	90	...	24	...	...
Gouverneur,	11.53	18.61	44	-32	76	9	5	34	...	...	7	10	2	184	94	...	...	...	4.19
Hamilton,	17.71	21.67	43	-24	72	2	...	...	...	1	...	...	15	8	90	...	7	...	5.84
Hartwick,	18.40	22.82	50	0	50	14	...	...	...	14	...	...	12	13	15	...	64	...	2.40
Hudson,	17.71	26.09	43	-6	49	114	24	1	54	54	...	14	4	204	74	...	...	...	2.00
Ithaca,	21.66	25.15	48	-3	51	144	...	...	...	...	...	...	...	104	174	...	24	...	2.86
Kinderhook,	18.30	23.72	47	-14	61	9	...	...	...	7	...	...	...	144	134	...	3	...	2.06
Kingston,	25.24	32.01	49	-4	53	...	114	5	2	...	2	...	...	144	144	...	3	...	3.19
Laingburgh,	18.48	23.88	47	-15	62	84	1	...	...	...	...	...	...	134	144	...	4	...	2.85
Lewiston,	24.60	28.12	45	-12	57	14	4	1	...	5	...	...	...	124	144	...	...	...	1.48
Lowville,	13.68	19.23	46	-22	68	154	1	...	...	9	...	...	1	174	174	...	...	...	1.73
Middlebury,	24.46	26.35	54	-7	61	...	34	...	...	...	164	44	64	134	144	...	...	...	1.00
Montgomery,	23.04	28.76	47	-3	54	...	1	...	...	...	...	...	...	134	144	...	...	...	1.73
Newburgh,	23.44	31.97	54	-7	61	...	34	...	...	...	...	...	...	134	144	...	...	...	1.00
North-Salem,	23.56	23.34	48	8	46	...	...	...	...	...	...	...	...	134	134	...	...	...	1.13

FEBRUARY, 1883, (Continued.)

ACADEMIES.	THERMOMETER.			WINDS, (NO. OF DAYS.)										WEATHER, (NO. OF DAYS.)					Rain gauge.	
	Mean temperature.		Range.	Highest de- gree.	Lowest de- gree.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.	Snow.	Rain & Snow.		
	1st half.	2d half.																		
Onondaga,	23.38	25.75	50	32	50	....	2	1	....	24	2	3	10	74	6	19	....	74	....	1.43
Orford,	19.21	22.86	42	60	-18	34	4	....	....	24	24	54	104	54	114	164	....	74	....	1.65
Pompey,	17.86	21.63	45	52	-7	....	1	....	....	14	8	8	84	7	104	174	....	64	....	1.18
Radlock,	21.50	26.71	44	49	5	154	3	....	....	94	....	....	....	....	244	84	....	14	....	1.73
Rochester,	26.96	29.06	46	34	12	....	4	24	....	1	64	1	11	....	12	16	....	54	....	....
St. Lawrence,	8.13	13.97	43	62	-25	....	1	3	....	2	24	10	1	44	13	15	....	6	....	.79
Sem. of Gen. and One! Conferences,	17.67	20.16	46	56	-10	....	14	4	....	14	4	44	104	44	8	20	....	24	....	1.11
Springville,	23.03	23.35	25	39	-4	14	....	4	1	14	4	44	104	44	144	134	....	24	....	2.55
Union,	16.94	21.45	44	69	-25	....	3	34	3	6	2	3	7	5	144	134	....	24	....	3.60
Union-Hall,	26.84	33.71	55	50	5	....	4	34	4	....	....	3	4	14	194	144	24	14	1	2.00
Utica,	17.69	21.87	55	64	-9	....	....	6	1	....	....	3	18	....	214	64	....	....	....	2.68

MARCH, 1883.

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)							WEATHER, (NO. OF DAYS.)					Rain Feet.	
	Mean temperature.		Highest °	Lowest °	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.		Snow.
	1st half.	2d half.																
Albany,	23.91	40.66	66	0	66	5	1	1	1	11	1	9	5	22	8	3	5	1
Auburn,	24.22	38.53	70	2	70	3	1	1	1	10	2	4	7	18	13	2	2	1
Bridgewater,	31.57	37.47	68	5	68	4	1	1	1	16	1	3	7	13	13	2	4	1
Buffalo,	19.34	36.54	71	6	71	4	1	1	1	13	1	1	3	34	11	1	2	1
Cambridge, Washington,	20.41	37.41	63	17	63	13	1	1	1	12	1	10	9	17	14	2	6	1
Canajoharie,	24.28	37.31	64	4	64	1	1	1	1	11	1	1	12	17	14	3	8	1
Canandaigua,	22.51	40.28	67	4	67	1	1	1	1	16	1	1	10	19	12	3	8	1
Cayuga,	26.44	45.04	70	2	70	7	1	1	1	3	1	1	10	21	10	1	5	1
Cherry-Valley,	20.25	35.75	67	7	67	3	1	1	1	14	2	2	8	13	17	1	3	1
Clinton,	27.42	41.61	60	3	60	3	1	1	1	12	2	6	11	14	16	2	3	1
Cortland,	22.40	38.87	68	6	68	4	1	1	1	15	2	4	11	17	14	2	3	1
Delaware,	21.06	32.49	55	2	55	3	1	1	1	13	2	2	10	17	14	2	3	1
Dutchess,	26.59	42.79	66	4	66	5	1	1	1	10	2	3	11	22	14	2	3	1
Erasmus Hall,	29.07	42.93	66	4	66	1	1	1	1	3	7	5	13	20	14	1	1	1
Fairfield,	19.48	39.75	55	7	55	1	1	1	1	14	8	4	13	23	14	1	1	1
Gouverneur,	17.02	39.60	66	30	66	2	1	1	1	12	10	2	10	23	18	1	1	1
Hamilton,	31.62	39.56	65	1	65	3	1	1	1	3	10	4	11	20	14	2	3	1
Hartwick,	31.11	36.77	64	2	64	3	1	1	1	14	8	1	10	23	14	2	3	1
Hudson,	22.29	41.50	62	0	62	8	1	1	1	19	1	1	4	17	14	1	1	1
Ithaca,	23.89	38.72	65	4	65	4	1	1	1	14	1	1	1	17	14	1	1	1
Johnstown,	23.38	37.60	62	4	62	6	1	1	1	8	4	4	7	18	13	2	3	1
Kinderhook,	21.85	41.35	63	6	63	8	1	1	1	9	4	4	3	18	13	2	3	1
Kingston,	28.44	43.40	69	0	69	3	1	1	1	12	1	1	1	20	13	1	1	1
Laurensburgh,	22.99	40.54	65	0	65	8	1	1	1	12	1	1	1	20	13	1	1	1
Lewisville,	22.34	43.97	70	0	70	3	1	1	1	12	1	1	1	20	13	1	1	1
Lowville,	18.32	42.86	45	17	45	17	1	1	1	12	1	1	1	20	13	1	1	1
Middlebury,	24.86	43.11	74	3	74	3	1	1	1	12	1	1	1	20	13	1	1	1
Montgomery,	25.28	43.11	74	3	74	3	1	1	1	12	1	1	1	20	13	1	1	1
Newburgh,	27.68	43.28	68	6	68	3	1	1	1	12	1	1	1	20	13	1	1	1

MARCH, 1883, (Continued.)

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)										WEATHER, (NO. OF DAYS.)				Rain gauge.
	Mean temperature.		Highest de- gree.	Lowest de- gree.	Range:	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.	Snow.	Rain & Snow.	
	1st half.	2d half.																	
North-Salem,	25.45	41.87	66	0	66	2	7	1	34	...	2	11	144	144	94	6	24	3.34	
Onondaga,	25.02	42.22	70	0	70	2	4	1	4	74	14	11	54	154	154	2	34	2.23	
Oxford,	21.71	36.44	60	2	63	24	2	...	4	64	14	8	44	16	15	2	5	.80	
Pompey,	21.07	37.69	71	2	79	2	...	...	...	64	94	64	34	15	16	24	4	.18
Redhook,	23.79	39.85	67	2	65	10	24	2	...	144	...	...	...	25	6	3	4	1.61
Rochester,	24.92	43.41	68	2	66	1	24	24	...	44	...	74	84	194	114	14	1	.86	
St. Lawrence,	12.31	35.48	56	27	83	24	4	1	14	44	9	4	9	144	164	24	3	1.85	
Sem. of Gen. and Onsl. Conference,	20.22	37.09	63	4	67	24	44	1	1	7	5	44	12	154	154	1	34	1.43	
Springville,	22.43	40.06	54	0	54	24	44	...	1	2	74	164	1	13	18	4	24	1.80	
Union,	19.77	43.53	72	32	94	2	54	4	8	94	64	24	14	164	144	2	1	2.42	
Union-Hall,	30.11	43.60	67	6	82	...	24	...	6	14	84	...	124	244	244	2	14	2.63	
Utica,	21.00	36.60	63	9	72	...	...	64	6	...	3	164	...	23	8	...	...	1.39

APRIL, 1883.

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)				Rain gauge.		
	Mean temperature.		Highest de- gree.	Lowest de- gree.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.		Snow.	Rain & Snow.
	1st half.	2d half.																	
Albany,	49.73	53.79	84	25	59	14	14	...	...	134	4	4	8	30	10	7	1	...	1.33
Auburn,	46.55	52.72	80	26	54	44	44	4	4	10	1	1	34	21	9	4	1	...	1.65
Bridgewater,	45.10	50.44	83	15	68	...	...	...	...	64	134	134	14	21	9	4	...	...	1.72
Buffalo,	41.44	48.16	72	24	48	...	...	4	4	1	...	...	14	16	9	2	...	...	2.35
Cambridge, Washington,	46.49	49.21	85	19	66	10	54	...	...	24	15	...	14	24	104	14	...	...	1.35
Canajoharie,	47.74	53.26	84	24	60	...	...	9	9	54	...	...	8	224	74	9	...	...	1.48
Canandaigua,	47.15	53.77	88	23	56	14	...	...	...	...	...	...	14	19	11	1	...	...	1.68
Cayuga,	48.03	53.53	89	32	56	104	...	...	...	...	...	...	14	254	44	4	...	...	1.53
Cherry-Valley,	45.18	50.66	85	17	68	4	...	...	...	...	...	...	54	20	7	44	...	...	1.56
Clinton,	45.51	47.36	70	31	39	14	34	2	44	44	6	...	74	234	104	9	...	...	1.19
Cortland,	46.16	48.36	89	20	69	24	...	...	...	...	...	...	34	22	94	14	...	...	1.75
Delaware,	45.70	48.37	89	20	69	14	5	...	...	114	3	14	44	204	54	14	...	...	1.87
Dutchess,	52.38	56.65	88	23	60	34	2	1	5	44	84	...	5	244	16	14	...	...	1.32
Esopus Hall,	51.11	52.60	84	31	53	...	...	4	4	...	...	...	18	14	16	14	...	...	1.52
Fairfield,	44.34	49.03	80	30	60	...	...	...	...	...	...	...	10	17	13	2	...	...	1.45
Gouverneur,	45.63	52.25	83	13	70	14	34	...	...	...	...	...	14	18	12	9	...	...	1.90
Hamilton,	48.35	54.15	90	23	67	2	...	...	...	...	...	...	14	16	18	2	...	...	1.78
Hartwick,	46.31	51.12	84	20	64	...	...	...	...	...	...	...	114	21	12	4	...	...	1.17
Hudson,	49.59	56.76	85	29	56	4	...	...	...	...	...	...	9	24	9	2	...	...	1.11
Ithaca,	45.32	55.96	98	23	70	44	24	...	...	...	...	...	14	204	10	4	...	...	2.57
Johnstown,	31.20	52.68	86	22	64	...	...	6	3	...	...	...	15	20	18	4	...	...	1.87
Kinderhook,	48.65	51.39	83	22	66	94	...	...	...	...	...	...	4	184	14	44	...	...	1.45
Kingston,	52.29	47.79	83	29	39	34	2	5	4	24	64	...	54	20	10	4	...	...	2.12
Lansingburgh,	50.14	53.61	90	24	66	8	...	...	...	...	...	...	34	19	11	4	...	...	1.85
Lewiston,	48.19	55.50	80	32	48	2	14	1	2	4	14	...	4	13	18	4	...	...	1.13
Lowville,	51.07	50.86	83	17	66	11	2	...	...	...	...	...	14	17	6	2	...	...	...
Middlebury,	48.57	55.08	88	19	69	7	14	...	...	...	...	...	1	24	7	24	...	...	...
Montgomery,	52.62	54.95	92	32	63	...	...	...	...	...	...	...	3	304	94	...	...	...	...
Newburgh,	52.52	63.08	92	32	60	1	...	...	...	...	...	...	64	364	...	...	...	...	...

MAY, 1883.

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)							WEATHER, (NO. OF DAYS.)					Rain gauge.		
	Mean temperature.		Highest of year.	Lowest of year.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.		Snow.	Rain & Snow.
	1st half.	2d half.																	
Albany,	60.42	66.06	82	36	46	2	4	....	6	11	....	6	54	154	154	14	....	8.47
Auburn,	60.07	62.16	80	37	52	44	2	....	5	54	....	44	54	184	184	15	....	7.82
Bridgewater,	54.17	56.59	88	36	52	4	14	5	44	54	114	94	24	11	121	84	....	6.34
Buffalo,	55.76	57.88	76	35	41	4	84	1	44	24	124	....	1	364	104	54	....	4.09
Cambridge, Washington,	56.33	61.98	82	36	46	8	....	....	3	19	2	....	....	164	164	74	....	9.67
Canajoharie,	63.70	62.54	82	36	56	3	....	....	1	....	....	9	64	154	154	124	....	4.96
Canandaigua,	58.08	62.88	82	36	46	4	....	....	8	64	....	1	....	16	15	11	....	6.87
Cayuga,	57.33	61.12	87	31	58	114	54	1	2	13	....	3	....	15	16	64	....	5.31
Cherry Valley,	53.31	60.91	85	31	58	1	....	....	24	184	....	54	....	17	14	10	....	8.39
Clinton,	54.01	58.88	74	29	58	....	54	....	8	7	44	....	3	144	164	34	....	3.35
Cortland,	59.39	62.06	87	32	55	....	....	....	6	54	....	4	74	144	164	6	....	6.35
Delaware,	54.07	61.78	84	36	46	44	1	....	2	8	11	44	1	14	17	7	....	4.08
Dutchess,	62.49	64.32	88	36	52	6	44	....	15	....	11	....	34	114	194	11	....	5.70
Erasmus Hall,	60.42	63.09	84	40	44	2	....	....	8	5	....	....	24	18	13	24	....	....
Fairfield,	58.09	59.34	81	41	40	....	9	....	2	....	84	1	24	144	164	4	....	....
Gouverneur,	58.62	63.49	81	31	50	24	5	....	1	34	....	1	....	144	164	44	....	3.81
Hamilton,	57.98	61.51	92	27	55	....	....	....	....	154	....	....	....	174	134	4	....	5.16
Hartwick,	57.30	60.39	80	30	50	....	....	....	....	21	....	....	....	15	16	5	....	8.60
Hudson,	59.73	63.63	89	35	54	....	....	....	....	4	....	....	....	16	15	....	....	5.80
Ithaca,	61.02	69.22	88	40	48	1	....	....	16	2	....	....	....	12	15	4	....	9.90
Jonstown,	57.54	61.91	88	32	56	74	14	....	....	18	....	....	....	13	19	....	....	9.16
Kinderhook,	58.36	66.45	86	31	55	....	....	....	11	....	....	....	....	124	124	8	....	4.78
Kingston,	64.39	62.10	80	39	41	84	....	....	24	....	....	....	....	16	15	10	....	5.03
Laurensburgh,	59.85	65.37	90	33	41	....	4	....	24	44	....	....	....	28	8	5	....	7.86
Lawson,	63.85	65.37	80	30	50	64	....	....	3	....	....	....	....	16	13	13	....	3.31
Lowville,	61.07	63.62	80	33	50	....	....	....	1	124	....	....	....	18	15	6	....	6.40
Lowville,	57.66	59.80	86	36	54	84	....	....	....	....	....	....	....	134	184	....	....	6.58
Middlebury,	61.04	61.99	88	32	52	....	....	....	....	194	....	....	....	194	164	7	....	2.90
Montgomery,	62.73	62.73	84	36	39	11	....	....	....	13	....	....	....	124	114	4	....	3.70
Newburgh,	61.09	63.06	83	40	49	114	74	....	....	6	....	....	....	144	104	6	....	....

MAY, 1833, (Continued.)

ACADEMIES.	THERMOMETER.			WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)					Rain gage.			
	Mean temperature.			Range.	Highest de- gree.	Lowest de- gree.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.		Rain.	Snow.	Rain & Snow.
	1st half.	2d half.																		
North-Salem,	60.57	62.72		50	82	38	23	10	6	4	1	3	1	2	13	17	8	...	5.11	
Onondaga,	57.82	62.40		60	86	28	2	1	2	1	8	1	7	7	15	15	6	...	4.73	
Oxford,	57.86	59.57		51	82	31	3	5	1	1	10	4	4	2	15	15	6	...	6.15	
Pompey,	55.76	58.00		38	77	39	...	...	...	...	...	9	4	4	15	16	9	...	5.28
Redhook,	57.10	61.74		48	82	34	5	1	...	12	16	3	...	2	17	14	8	...	4.47	
Rochester,	60.21	63.67		38	86	48	...	7	4	1	2	6	...	4	15	16	9	...	6.04	
St. Lawrence,	64.51	58.73		58	83	25	2	6	...	...	7	9	...	...	14	17	7	...	4.30
Sem. of Gen. and Onei. Conference,	58.02	60.08		53	83	30	...	...	...	1	3	4	...	...	16	14	4	...	5.30
Springville,	61.57	57.40		32	86	34	2	4	2	1	1	7	...	...	16	15	6	...	7.31
Union,	60.80	62.11		56	88	32	1	4	1	10	1	11	...	...	17	13	2	...	4.40
Union-Hall,	63.02	63.80		36	87	51	1	8	2	4	4	7	...	...	15	15	3	...	4.50
Utica,	59.70	58.38		47	85	38	...	...	11	...	...	3	10	...	23	9	...	...	4.38

JUNE, 1888.

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)					Rain gauge.	
	Mean temperature.		Highest de- gree.	Lowest de- gree.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.	Snow.		Rain&Snow.
	1st half.	2d half.																	
Albany,	63.85	61.70	86	42	44	14	1	...	2	13	5	44	3	20	10	9	...	2.36	
Auburn,	58.83	64.33	80	45	35	1	24	...	54	24	54	3	10	161	134	34	...	1.43	
Bridgewater,	56.17	58.77	84	30	34	1	...	...	24	64	54	11	34	14	16	4	...	3.42
Cambridge, Washington,	58.68	62.66	80	41	39	8	...	...	...	10	44	4	7	17	18	74	...	3.79
Canajoharie,	60.08	62.86	84	43	41	...	...	...	64	14	14	7	13	134	134	94	...	3.49
Canandaigua,	58.52	66.99	85	42	43	44	...	...	14	14	2	8	24	19	11	7	...	2.85
Cayuga,	59.00	64.26	86	43	43	174	...	...	2	10	...	...	4	15	15	44	...	2.31
Cherry-Valley,	57.60	61.49	81	33	48	1	4	2	...	3	...	...	...	16	14	8	...	3.41
Clinton,	60.16	63.11	78	44	34	1	2	14	64	3	7	14	54	22	16	3	...	5.42	
Cortland,	57.84	62.25	86	34	52	64	...	...	...	74	4	9	104	194	164	2	...	1.94
Delaware,	56.57	57.89	78	38	40	2	2	34	2	94	2	54	4	16	14	24	...	4.62	
Dutchess,	63.84	67.07	87	38	40	4	4	...	14	44	44	...	2	22	8	...	...	4.97
Erasmus Hall,	64.14	66.37	83	44	39	...	...	...	3	44	1	54	164	12	22	34	...	4.37
Fairfield,	58.38	57.47	70	34	46	...	...	...	24	14	164	14	24	164	134	9	...	2.36
Gouverneur,	56.26	64.89	84	36	46	4	14	...	14	11	44	...	...	15	15	44	...	2.73
Hamilton,	58.61	60.11	86	33	53	2	...	...	...	14	44	6	104	214	84	24	...	3.20
Hartwick,	56.95	60.66	82	40	42	24	...	...	...	44	...	...	...	214	134	34	...	1.47
Hudson,	62.89	65.30	88	45	43	24	...	...	...	20	...	...	...	164	124	24	...	3.20
Ithaca,	59.93	66.26	84	37	47	64	...	...	...	34	14	184	4	164	174	64	...	3.23
Johnstown,	58.74	62.97	83	38	45	...	...	...	1	...	...	...	...	174	124	34	...	3.50
Kinderhook,	60.53	63.60	86	40	46	14	...	...	24	11	24	14	144	164	134	4	...	2.32
Kingston,	63.54	69.77	80	51	29	...	...	...	34	24	24	14	144	174	124	6	...	4.49
Lansingburgh,	63.31	67.02	92	44	48	14	...	...	14	104	194	2	34	154	144	64	...	3.15
Lewiston,	61.64	67.63	80	50	30	1	...	...	...	124	...	...	...	154	144	...	...	3.90
Lowville,	56.02	61.60	85	32	53	6	...	...	...	19	...	...	...	124	104	4	...	2.46
Middlebury,	59.19	63.32	92	34	45	...	...	...	2	6	...	...	...	194	11	2	...	4.01
Montgomery,	61.55	64.37	88	43	38	...	...	...	...	4	...	...	...	154	104	4	...	4.34
Newburgh,	62.91	63.62	84	45	45	14	24	4	...	24	24	12	14	124	10	2	...	4.34	
North-Salem,	62.06	63.66	84	37	47	5	34	34	...	14	134	3	7	31	9	64	...	3.89	

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)					Rain gage.	
	Mean temperature.		Range.	Highest de- gree.	Lowest de- gree.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.	Snow.		Rain & Snow.
	1st half.	2d half.																	
Onondaga,	58.26	63.85	49	88	39	1	1	2	2	6	...	11	6	19	11	4	...	...	2.05
Oxford,	56.45	59.36	47	82	35	2	1	2	4	5	6	9	3	17	12	4	...	...	2.47
Pompey,	54.73	59.80	46	84	38	...	...	...	4	5	6	10	7	17	13	4	...	...	2.66
Redhook,	60.00	62.40	37	80	43	15	...	3	4	10	6	10	7	23	7	5	...	...	3.11
Rochester,	60.64	64.57	40	85	45	2	5	1	6	1	2	5	9	11	19	6	...	...	4.55
St. Lawrence,	59.14	61.35	48	83	35	4	1	1	1	3	14	3	6	13	17	7	...	...	4.48
Sem. of Gen. and Oncl. Conference,	55.70	59.53	45	84	39	...	...	...	1	3	5	7	13	17	13	9	...	...	2.78
Springville,	60.68	61.35	38	84	36	2	1	1	2	3	5	8	14	16	13	5	...	...	4.37
Union,	54.70	64.44	55	85	30	1	1	1	1	3	14	1	10	20	9	1	...	...	.61
Union-Hall,	65.29	67.80	46	86	40	...	...	...	1	3	14	1	10	21	9	4	...	...	3.85
Utica,	53.37	58.98	45	81	36	1	...	1	5	...	2	20	4	23	6	...	...	...	2.46

JULY, 1893.

ACADEMIES.

ACADEMIES.	THERMOMETER.			WINDS, (NO. OF DATA.)							WEATHER, (NO. OF DATA.)				Rain gauge.			
	Mean temperature.			Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.		Rain.	Snow.	Rain & Snow.
	1st half.	2d half.																
Albany,	70.27	69.03	37	1	...	...	84	114	5	4	9	224	84	15	...	...	4.48
Auburn,	68.18	67.11	54	2	1	...	34	3	114	1	9	18	13	54	...	...	5.63
Bridgewater,	60.86	67.79	87	1	...	...	14	34	64	15	44	214	94	54	...	...	7.16
Cambridge, Washington,	67.33	65.83	89	44	...	...	...	14	194	3	4	194	114	8	...	...	4.36
Canajoharie,	69.26	66.56	83	...	...	...	...	134	6	3	3	4	184	11	...	...	4.40
Canandaigua,	69.39	70.49	92	...	1	...	3	94	2	9	134	19	124	11	...	...	4.91
Cayuga,	66.30	79.19	90	8	...	...	...	11	...	17	...	19	19	12	...	...	3.70
Cherry-Valley,	66.35	64.93	88	...	...	...	...	134	...	14	...	19	19	34	...	...	6.89
Clinton,	63.69	63.09	85	4	14	...	14	34	54	184	64	164	144	9	...	...	1.48
Cortland,	65.48	66.10	91	...	...	24	...	5	104	34	64	26	124	44	...	...	4.58
Delaware,	66.88	65.10	90	84	8	54	...	74	2	154	...	184	164	4	...	...	3.26
Duchess,	73.69	72.70	99	4	24	14	14	44	5	...	...	22	9	54	...	...	3.63
Erasmus Hall,	71.15	71.54	91	...	14	...	...	3	74	244	64	...	2	...	...	...	2.75
Fairfield,	59.06	62.81	86	...	...	24	...	14	3	114	14	14	28	5	...	...	7.79
Gouverneur,	67.96	64.43	87	3	14	...	...	1	144	64	...	104	104	5	...	...	5.80
Hamilton,	65.31	64.89	94	...	...	...	...	...	21	...	10	17	14	6	...	...	5.00
Hartwick,	67.02	64.79	90	...	...	...	...	17	1	...	11	174	134	54	...	...	3.70
Hudson,	72.21	75.12	97	94	4	...	6	10	...	...	...	24	7	...	...	...	4.64
Ithaca,	70.77	71.85	96	24	2	...	...	14	234	14	...	14	18	24	...	...	4.71
Johnstown,	67.96	66.71	92	...	...	...	...	...	...	1	12	8	23	94	...	...	4.94
Kinderhook,	68.95	68.41	91	34	...	...	...	1	10	2	1	74	12	3	...	...	4.08
Kingston,	74.76	75.64	92	...	3	...	5	9	12	...	8	244	94	9	...	...	3.83
Laurensburgh,	72.86	69.23	94	14	1	4	14	124	44	...	5	214	134	7	...	...	3.20
Lewiston,	71.00	71.12	87	1	14	...	4	9	164	94	...	184	124	...	...	...	3.63
Lowville,	67.24	64.81	94	10	...	...	...	...	...	20	8	15	14	14	...	...	1.53
Middlebury,	68.61	69.29	96	...	...	...	...	...	...	...	8	24	214	94	...	...	3.80
Montgomery,	71.70	70.02	99	1	4	...	2	34	15	...	...	17	14	...	...	...	3.01
Newburgh,	70.00	69.80	97	...	...	1	...	...	...	...	...	214	94	...	...	...	...
North-Salem,	70.39	69.67	94	...	...	1	14	1	84	...	...	244	94	...	...	...	...

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)										WEATHER, (NO. OF DAYS.)					Rain gage.																
	Mean temperature.		Highest de- gree.	Lowest de- gree.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.	Snow.	Rain&Snow.																		
	1st half.	2d half.																																		
Onondaga,	66.98	68.01	92	50	43	4	1	1	4	14	3	14	6	194	114	7	.....	.....	3.48															
Oxford,	64.84	65.09	88	44	44	2	1	1	1	7	7	8	5	194	114	6	.....	.....	3.66															
Oysterday,	73.68	71.03	89	61	28	1	5	.....	1	1	164	14	6	23	8	34	.....	.....	3.90														
Pompey,	64.46	63.19	83	49	34	1	.....	.....	.....	2	15	64	64	15	16	94	.....	.....	9.54												
Redhook,	68.64	67.35	92	48	44	194	14	24	44	94	.....	.....	1	254	54	44	.....	.....	2.07													
Rochester,	69.27	68.02	91	51	40	1	5	.....	.....	.....	14	124	11	18	13	4	.....	.....	2.49												
St. Lawrence,	64.52	62.09	82	43	39	3	14	.....	.....	4	154	4	64	14	17	10	.....	.....	6.87													
Sens. of Gen. and Onei. Conference, Springville,	65.69	65.25	90	46	44	.....	.....	.....	.....	1	114	94	5	174	134	5	.....	.....	6.31											
Union,	68.64	69.75	90	43	47	1	3	.....	.....	4	84	8	5	194	114	5	.....	.....	4.73													
Union-Hall,	68.36	66.71	94	50	44	14	24	1	.....	44	14	54	14	24	7	.....	.....	.....	1.15													
Utica,	73.94	72.04	89	58	31	1	24	.....	.....	5	84	2	12	29	2	.....	.....	.....	4.52												
	64.36	61.67	87	44	43	.....	.....	3	14	.....	3	234	.....	244	64	.....	.....	.....	6.03										

AUGUST, 1883.

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)				Rain gage.		
	Mean temperature.		Highest de- gree.	Lowest de- gree.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.		Snow.	Rain & Snow.
	1st half.	2d half.																	
Albany,	68.55	64.70	83	46	37	44	2	...	44	11	2	2	5	22	9	10	...	...	3.36
Auburn,	67.45	63.39	83	47	36	3	1	...	6	34	9	9	64	204	104	54	...	...	3.62
Bridgewater,	64.42	60.31	85	42	43	...	...	...	...	...	...	...	64	174	134	54	...	...	2.48
Cambridge, Washington,	66.39	63.11	82	42	40	11	...	...	...	154	2	6	164	194	114	5	...	...	6.74
Camden,	67.59	66.78	85	42	43	...	...	...	...	...	...	...	9	22	15	6	...	...	1.12
Cannondagus,	69.64	65.94	86	49	37	74	...	...	...	104	34	34	134	16	15	11	...	...	4.35
Cayuga,	68.03	65.54	84	50	34	4	...	...	...	...	...	...	14	17	14	4	...	...	4.35
Cherry-Valley,	63.55	62.72	86	38	48	1	...	...	...	...	...	...	8	25	13	5	...	...	2.74
Canton,	65.91	65.91	84	42	42	1	44	3	54	5	8	10	5	25	14	2	...	...	2.82
Cortland,	65.76	63.30	86	42	44	...	...	...	...	...	...	...	10	21	10	14	...	...	1.56
Delaware,	59.99	64.46	90	38	52	10	34	4	...	...	...	...	6	18	13	3	...	...	3.12
Dutchess,	71.34	67.91	89	42	47	2	5	...	...	...	...	...	14	22	9	7	...	...	4.45
Erasmus Hall,	70.98	71.68	84	48	36	74	14	...	...	...	...	...	...	23	8	1	...	...	3.68
Fairfield,	55.33	62.99	73	39	34	...	...	...	...	...	...	...	...	91	214	4	...	...	5.79
Gouverneur,	55.59	61.81	90	40	50	3	1	...	...	...	...	...	...	204	204	7	...	...	2.65
Hamilton,	65.59	62.38	87	40	47	5	...	...	...	...	...	...	...	23	8	4	...	...	4.12
Hudson,	70.22	67.52	90	44	45	44	...	...	...	...	...	...	...	23	94	3	...	...	2.78
Ithaca,	69.82	66.54	89	44	45	2	...	...	...	...	...	...	...	23	8	34	...	...	2.94
Johnstown,	66.77	66.02	88	39	49	...	...	...	...	...	...	...	...	23	8	...	...	...	4.03
Kinderhook,	67.98	64.04	86	42	44	12	...	...	...	...	...	...	...	7	124	54	...	...	9.30
Kingston,	71.19	68.26	82	50	32	...	...	...	...	...	...	...	...	25	6	24	...	...	3.76
Lansingburgh,	69.26	66.00	88	46	42	...	...	...	...	...	...	...	...	19	12	8	...	...	1.09
Levittown,	68.55	68.11	82	49	33	...	...	...	...	...	...	...	...	19	12	9	...	...	2.87
Lowville,	65.82	63.66	83	38	53	...	...	...	...	...	...	...	...	13	18	...	...	...	2.94
Middlebury,	68.94	65.44	93	38	55	...	...	...	...	...	...	...	...	24	64	44	...	...	5.25
Montgomery,	66.73	66.73	98	38	60	...	...	...	...	...	...	...	...	24	94	7	...	...	3.13
Newburgh,	68.81	66.37	89	43	46	...	...	...	...	...	...	...	...	24	94	2	...	...	5.25
North-Salem,	68.01	63.76	88	37	49	...	...	...	...	...	...	...	...	24	94	8	...	...	2.69
Onondaga,	68.51	65.46	90	45	45	...	...	...	...	...	...	...	...	24	94	4	...	...	1.55

AUGUST, 1888, (Continued.)

ACADEMIES.	THERMOMETER.					WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)					Rain gage.																	
	Mean temperature.		Highest de- gree.	Lowest de- gree.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.	Snow.	Rain & Snow.																		
	1st half.	2d half.																																		
Oxford,	64.09	61.32	86	42	44	74	4	4	2	54	54	54	4	194	114	45	.....	.....	3.46															
Oysterbay,	73.07	62.45	86	58	28	1	.....	.....	5	11	.....	.....	54	26	5	24	.....	.....	1.51											
Palmyra,	66.80	63.90	88	45	43	24	2	14	3	2	44	54	10	17	14	3	.....	.....	4.33															
Pemboy,	62.96	59.51	79	40	39	.....	.....	.....	4	114	34	11	.....	17	14	8	.....	.....	2.92											
Redhook,	61.15	56.64	82	40	42	84	14	3	4	13	.....	.....	.....	244	64	5	.....	.....	3.90												
Rochester,	66.30	66.33	88	46	42	24	3	4	1	1	74	6	94	22	9	34	.....	.....	2.14															
St. Lawrence,	58.80	62.21	85	40	45	34	3	4	1	6	12	.....	.....	17	14	8	.....	.....	7.86													
Sen. of Gen. and Onei. Conference,	65.73	61.51	84	41	43	.....	.....	.....	.....	4	11	4	154	16	15	44	.....	.....	2.79											
Springville,	65.67	62.25	88	33	55	24	4	.....	14	4	34	14	5	16	15	54	.....	.....	4.10														
Union,	63.17	61.33	83	46	37	2	4	14	4	34	12	7	4	154	154	4	.....	.....	2.12															
Union-Hall,	72.30	68.87	90	50	40	.....	44	14	14	4	144	1	9	33	3	2	.....	.....	2.07														
Utica,	62.13	61.53	80	46	34	.....	.....	1	6	1	8	14	1	244	64	.....	.....	.....	3.96												

SEPTEMBER, 1833.

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)				Rain gauge.			
	Mean temperature.			Lowest de- gree.	Highest de- gree.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.		Rain.	Snow.	Rain & Snow.
1st half.	2d half.	3d half.																		
Albany,	59.58	60.75	78	41	37	2	...	...	...	2	10	54	64	4	19	11	10	...	...	3.14
Auburn,	63.89	59.43	80	40	40	34	14	...	...	...	54	6	24	11	19	11	3	...	...	2.80
Bridgewater,	54.38	57.08	84	38	56	7	...	...	...	...	54	5	134	74	21	9	5	...	...	3.09
Cambridge, Washington,	58.33	60.11	78	36	42	...	...	...	...	...	24	3	34	24	94	9	5	...	...	2.79
Canajoharie,	59.15	60.50	82	35	47	...	...	...	...	...	1	24	34	18	204	7	6	...	...	.73
Canandaigua,	58.72	61.55	84	41	43	1	...	...	...	...	3	84	24	24	26	14	10	...	...	3.54
Cayuga,	60.55	62.32	86	40	46	12	...	...	...	...	174	6	1	...	20	4	5	...	...	1.79
Cherry-Valley,	56.26	58.46	82	33	49	14	...	...	...	...	34	15	4	2	194	104	5	...	...	4.10
Clinton,	62.97	62.94	84	40	44	4	...	...	...	...	34	10	14	44	24	6	3	...	...	2.77
Cortland,	58.31	61.34	86	32	54	...	...	...	...	...	114	14	104	6	174	124	5	...	...	2.50
Delaware,	54.38	55.47	80	30	50	9	...	...	...	...	54	7	4	6	174	13	3	...	...	2.52
Dutchess,	63.24	64.77	88	34	54	6	...	...	...	...	11	14	34	1	23	11	6	...	...	2.94
Erasmus Hall,	64.36	65.06	86	44	42	24	...	...	...	...	1	11	14	5	19	11	14	...	...
Fairfield,	64.03	59.50	72	47	25	...	...	...	...	...	34	1	54	34	12	18	24	...	...
Farmer's Hall,	59.06	62.84	88	36	52	2	...	...	...	...	1	13	54	...	224	74	3	...	...	2.99
Gouverneur,	58.33	58.28	87	32	55	4	...	...	...	...	34	74	6	6	194	104	3	...	...	2.41
Hamilton,	56.06	57.05	86	30	56	4	...	...	...	...	2	64	6	13	21	9	14	...	...	5.50
Hartwick,	56.20	58.65	80	36	44	1	...	...	...	...	16	14	4	4	164	134	54	...	...	2.91
Hudson,	61.93	62.79	84	40	44	84	...	...	...	...	64	7	...	5	174	124	24	...	...	2.75
Ithaca,	56.05	59.64	87	31	56	...	...	...	...	...	1	134	2	54	204	94	3	...	...	1.60
Jonstown,	58.89	57.86	77	36	41	24	...	...	...	...	3	114	...	94	8	22	6	...	...	2.81
Kinderhook,	57.62	57.78	83	37	46	124	...	...	...	...	114	3	...	...	19	11	5	...	...	3.79
Kingston,	65.68	67.22	81	52	29	...	...	...	...	...	44	6	...	104	204	94	3	...	...	2.47
Laurensburgh,	61.11	62.31	81	40	41	6	...	...	...	...	104	14	94	24	184	114	6	...	...	3.50
Lewiston,	64.16	65.56	75	54	21	3	...	...	...	...	24	5	14	1	20	10	4	...	...	2.01
Lewville,	58.05	57.67	80	30	50	8	...	...	...	...	2	24	24	6	144	154	...	...	...	2.96
Middlebury,	59.96	64.05	87	34	53	14	...	...	...	...	4	254	24	14	24	134	164	...	...	2.94
Montgomery,	62.72	64.05	83	40	44	44	...	...	...	...	4	14	24	24	134	164	34	...	...	3.94
Newburgh,	61.54	64.01	88	38	50	44	...	...	...	...	3	14	24	24	234	64	34	...	...	3.98

SEPTEMBER, 1833, (Continued.)

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)				Rain gauge.			
	Mean temperature.		Highest de- gree.	Lowest de- gree.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.		Snow.	Rain & Snow.	
1st half.	2d half.	North-Salem,	59.19	58.63	57	87	30	4	5	10	3	...	7	2	13	214	84	34	...	3.06
Onondaga,	59.38	60.62	55	88	33	4	4	...	4	7	3	6	13	204	94	3	...	...	3.30
Oxford,	55.84	58.93	47	81	34	4	6	...	...	54	64	8	54	184	114	6	...	...	4.11
Oysterbay,	57.91	67.48	39	87	48	...	6	...	3	4	134	1	54	25	5	24	...	...	3.19
Palmyra,	59.41	63.26	49	86	37	2	2	...	34	34	34	34	15	14	16	2	...	...	2.08
Pompey,	54.38	56.21	42	78	26	9	4	...	2	5	64	9	7	174	124	4	...	...	3.26
Pompey,	55.11	55.31	44	82	38	9	4	...	34	9	1	14	24	224	74	34	...	...	3.53
Redhook,	55.31	55.31	44	82	38	9	4	...	34	9	1	14	24	224	74	34	...	...	3.26
Rochester,	63.47	61.07	30	80	41	14	34	...	1	14	3	64	74	224	74	3	...	...	1.48
St. Lawrence,	53.56	56.34	42	73	31	14	34	...	1	34	12	1	74	19	11	54	...	...	4.32
Sem. of Gen. and Onel. Conferences,	54.73	58.35	47	77	30	...	4	...	1	1	74	4	19	154	144	24	...	...	4.22
Springville,	64.45	65.33	36	80	44	3	...	...	2	4	9	134	14	13	17	8	...	...	1.70
Union,	60.66	58.53	48	83	35	...	34	...	4	4	8	44	6	19	11	24	...	...	1.42
Union-Hall,	65.21	65.51	47	91	44	4	2	...	24	...	12	14	114	24	6	24	...	...	3.40
Wien,	55.70	57.11	39	74	35	...	...	34	2	...	24	24	...	56	4	...	...	...	3.76

OCTOBER, 1933.

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)				Rain page
	Mean temperature.			Range	North.	N. East.	East.	S. East.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.	Snow.	Rain & Snow.	
	1st half.	2d half.															
Albany,	51.99	43.93	70	48	94	1	...	2	104	24	6	64	15	16	10	1	7.50
Auburn,	53.75	45.05	71	44	4	1	...	64	8	4	24	13	144	164	5	...	3.43
Badgewater,	46.18	38.36	68	47	...	...	24	3	6	3	104	24	6	25	54	...	4.70
Cambridge, Washington,	50.31	42.67	72	53	5	...	...	34	114	24	24	6	12	19	74	4	8.35
Canajoharie,	50.88	44.56	68	46	...	...	44	54	5	11	54	104	104	204	11	...	5.30
Canandaigua,	52.87	43.60	70	30	...	...	...	...	6	44	15	24	94	174	11	1	3.85
Cayuga,	54.65	43.24	84	30	13	...	...	14	13	...	...	...	134	174	4	...	1.77
Cherry-Valley,	48.73	40.30	71	23	4	2	...	...	44	104	104	34	84	224	74	...	4.88
Clinton,	56.67	47.17	64	23	1	24	34	4	34	5	7	84	18	13	64	14	7.51
Cortland,	50.71	41.53	71	26	...	...	...	3	74	5	...	...	5	24	8	...	5.94
Delaware,	44.67	39.18	70	24	4	5	3	...	114	1	9	...	2	36	7	...	8.64
Dutchess,	54.96	46.22	76	50	2	5	2	12	34	3	3	3	10	21	8	...	7.90
Kesamus Hall,	57.18	43.16	73	30	4	4	...	24	2	4	4	14	174	134	4	...	3.38
Fairfield,	55.21	39.71	70	23	...	...	14	54	24	54	54	154	20	11	...	...	2.96
Farmer's Hall,	52.34	44.34	72	50	...	6	...	2	24	13	6	14	90	11	...	...	8.52
Gouverneur,	52.01	42.07	74	15	18	...	...	...	...	15	6	8	114	194	8	...	7.90
Hamilton,	48.92	40.52	70	36	3	...	...	...	1	74	44	15	94	214	24	4	3.38
Marlinton,	49.00	40.12	74	23	...	...	...	...	134	13	13	3	94	214	4	...	2.96
Hartwick,	53.32	44.57	72	50	34	5	...	134	11	2	3	3	94	214	4	...	2.81
Hudson,	50.36	42.68	70	23	64	...	...	...	...	24	14	24	7	24	6	...	8.40
Ilaca,	49.44	43.61	69	20	...	34	44	34	3	174	...	...	13	24	6	...	2.57
Johnstown,	46.49	46.01	72	16	114	...	...	...	...	3	104	6	74	234	8	...	4.76
Kinderhook,	46.01	46.01	72	16	...	...	...	...	...	12	1	4	114	194	8	...	7.76
Kingston,	59.92	47.68	79	56	2	44	...	...	...	44	15	4	18	13	44	...	4.50
Lansingburgh,	53.15	45.36	74	54	5	...	...	...	...	104	4	4	124	184	10	1	8.40
Lewiston,	52.64	44.30	72	50	1	24	...	...	...	14	4	14	9	22	64	...	1.92
Lowville,	47.71	41.41	73	30	...	...	1	...	...	14	14	74	10	21	...	...	4.50
Middlebury,	53.61	44.99	73	55	54	44	...	...	...	14	14	3	11	20	5	...	3.01
Montgomery,	56.06	46.87	78	56	7	...	...	...	...	...	...	...	124	184	54	...	8.74
Newburgh,	54.60	44.61	73	47	14	44	1	13	44	4	134	184	6	...	8.74

OCTOBER, 1888, (Continued.)

[1888.]

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ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)					Rain gauge.			
	Mean temperature.				Range.	Lowest de- gree.	Highest de- gree.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.		Rain.	Snow.	Rain & Snow.
1st half.	2d half.																				
North-Salem,	53.64	43.69	75	31	44	75	31	4	...	...	64	...	84	11	10	16	15	8	...	...
Onondaga,	55.74	41.48	76	36	48	76	36	...	...	...	34	6	3	11	5	124	184	4	...	...
Oxford,	49.67	38.94	68	31	47	68	31	14	...	...	1	54	64	7	6	94	214	24	1	...
Oysterbay,	60.41	45.43	74	32	42	74	32	4	...	...	1	104	14	8	2	214	34	64	...	...
Palmira,	48.59	39.53	68	31	46	68	31	1	...	...	3	24	4	15	44	11	20	5	...	...
Pompey,	47.41	38.21	68	31	47	68	31	...	...	...	34	4	54	44	8	6	25	6	...	...
Redhook,	49.63	43.43	72	30	42	72	30	19	...	...	4	14	...	14	3	19	15	3	...	...
Rochester,	48.79	39.98	68	30	38	68	30	14	...	...	4	8	4	34	44	11	20	6	...	...
St. Lawrence,	47.39	37.65	66	19	47	66	19	44	...	...	4	54	74	24	104	104	304	11	...	...
Sen. of Gen. and Oncl. Conferences,	50.39	40.49	70	24	45	70	24	...	...	...	3	8	6	34	...	...	254	24	...	...
Springville, .....	...	...	...	...	...	...	...	1	...	...	1	54	94	3	74	...	254	54	...	...
Union,	51.46	42.09	76	20	56	76	20	3	...	...	3	7	6	3	7	10	21	7	1	...
Union-Hall,	60.40	49.99	74	31	43	74	31	34	...	...	34	...	64	...	184	17	14	34	...	...
Utica,	49.64	43.13	74	26	48	74	26	...	...	...	4	14	44	13	...	174	134	...	...	...

NOVEMBER, 1883.

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)				Rain gauge.		
	Mean temperature.		Highest de. frost.	Lowest de. frost.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.		Snow.	Rain & Snow.
	1st half.	2d half.																	
Albany,	40.94	32.44	59	17	42	24	3	.....	.....	154	24	34	4	15	15	5	4	1	2.43
Auburn,	44.89	34.67	64	25	39	1	.....	1	.....	6	7	4	5	19	11	.....	2	.....	1.79
Bridgewater,	37.83	26.72	62	4	58	.....	.....	.....	.....	114	11	11	14	84	214	.....	34	.....	1.45
Cambridge, Washington,	38.85	29.73	61	10	51	94	.....	.....	.....	2	4	2	.....	144	154	1	4	2	3.13
Canastota,	40.81	30.23	62	12	50	.....	.....	34	.....	1	4	4	.....	17	19	3	4	1	.....
Canastota,	37.46	33.49	60	16	44	1	.....	.....	.....	54	.....	84	.....	9	21	2	.....	1	2.40
Cayuga,	44.81	34.80	72	23	54	5	.....	.....	.....	154	.....	.....	.....	124	174	2	14	.....	1.35
Cherry Valley,	39.85	28.15	60	9	51	.....	.....	.....	.....	1	1	1	.....	11	19	2	34	.....	2.49
Clinton,	43.85	36.36	61	20	41	14	.....	.....	.....	34	3	84	.....	224	274	3	.....	.....	3.38
Cortland,	39.71	27.24	62	14	48	.....	.....	.....	.....	13	7	.....	.....	16	16	1	34	44	.....
Delaware,	38.13	26.15	59	0	39	3	.....	.....	.....	7	.....	.....	.....	14	16	1	44	.....	1.04
Dutchess,	43.25	32.78	64	18	46	3	.....	.....	.....	4	.....	.....	.....	11	10	.....	34	.....	2.88
Essex Hall,	45.50	40.11	66	24	43	2	.....	.....	.....	.....	.....	.....	.....	30	24	.....	.....	.....	.....
Fairfield,	38.28	43.43	66	24	40	.....	.....	24	.....	.....	.....	.....	.....	84	104	4	14	.....	.....
Farmers Hall,	42.59	33.73	61	23	38	.....	.....	.....	.....	54	74	94	.....	194	204	2	.....	.....	1.79
Gouverneur,	42.59	48.95	60	11	49	.....	.....	.....	.....	4	.....	6	.....	114	164	3	3	.....	1.88
Hamilton,	38.37	29.35	64	16	48	.....	.....	.....	.....	.....	.....	.....	.....	8	23	2	.....	.....	3.25
Hartwick,	40.19	29.99	67	10	57	.....	.....	.....	.....	.....	.....	.....	.....	64	234	.....	.....	.....	2.18
Hudson,	41.72	33.17	66	19	47	.....	.....	.....	.....	19	11	.....	.....	20	10	1	.....	.....	1.40
Ithaca,	42.42	32.55	70	16	54	.....	.....	.....	.....	114	.....	.....	.....	10	20	1	24	.....	3.23
Johnstown,	37.94	28.99	59	10	49	.....	.....	.....	.....	.....	.....	.....	.....	10	20	.....	34	.....	1.10
Kinderhook,	41.12	31.37	65	15	50	.....	.....	.....	.....	.....	.....	.....	.....	14	16	.....	34	1	3.70
Kingston,	44.35	34.63	66	20	45	.....	.....	.....	.....	.....	.....	.....	.....	15	20	1	.....	.....	3.67
Laurensburg,	41.66	31.55	63	13	40	.....	.....	.....	.....	.....	.....	.....	.....	154	144	.....	.....	.....	1.06
Lawson,	42.69	33.55	62	23	49	.....	.....	.....	.....	.....	.....	.....	.....	11	19	.....	.....	.....	1.77
Lowville,	40.51	28.02	61	14	63	.....	.....	.....	.....	.....	.....	.....	.....	11	164	.....	.....	.....	3.89
Middlebury,	45.10	35.68	68	16	54	.....	.....	.....	.....	.....	.....	.....	.....	194	104	.....	.....	.....	.....
Montgomery,	44.48	33.65	71	16	65	.....	.....	.....	.....	.....	.....	.....	.....	16	14	.....	.....	.....	.....
Newburgh,	44.24	34.07	63	20	43	.....	.....	.....	.....	.....	.....	.....	.....	16	14	.....	.....	.....	2.70

NOVEMBER, 1838, (Continued.)

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)								WEATHER, (NO. OF DAYS.)					Rain gauge.	
	Mean temperature.		Highest de- gree.	Lowest de- gree.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.	Snow.		Rain & Snow.
	1st half.	2d half.																	
North-Salem,.....	41.95	31.98	65	15	50	4	4	4	2	4	81	44	11	21	9	34	4	...	1.37
Onondaga,.....	44.63	32.88	68	15	53	4	4	4	2	74	31	74	7	16	134	14	24	4	1.38
Oxford,.....	39.71	29.48	63	8	55	3	4	...	...	41	84	114	6	14	16	6	44	4	2.20
Oysterbay,.....	47.07	37.67	68	30	38	...	5	...	2	15	15	...	64	28	8	44	...	...	2.60
Palmire,.....	43.25	34.21	66	21	45	3	44	...	31	14	44	74	41	8	22	1	2	...	1.30
Pompey,.....	37.41	27.38	58	16	42	...	1	...	24	64	84	44	5	10	20	4	54	...	1.46
Redhook,.....	36.34	32.24	50	20	30	19	3	...	4	64	...	...	4	23	7	14	...	...	1.33
Rochester,.....	41.00	30.36	64	12	33	2	4	1	23	23	...	14	24	104	194	4	14	...	1.08
St. Lawrence,.....	38.61	25.19	58	2	60	14	24	...	4	7	10	5	5	104	194	3	5	...	...
Sess. of Gen. and Onei. Conference,	40.54	28.38	62	12	50	1	1	...	14	54	93	125	74	9	104	4	2	...	2.16
Springville,.....	42.29	30.09	66	15	51	3	24	...	14	31	84	44	2	9	21	24	34	...	2.69
Union,.....	41.80	31.15	56	12	44	3	34	...	1	31	54	24	3	94	204	24	1	...	2.31
Union-Hall,.....	44.84	36.77	64	19	45	1	54	...	3	14	7	44	74	164	114	44	...	...	2.47
Utica,.....	39.99	32.19	65	15	50	...	34	5	5	...	6	154	...	16	14	...	...	...	3.04

DECEMBER, 1833.

ACADEMIES.

ACADEMIES.	THERMOMETER.				WINDS, (NO. OF DAYS.)							WEATHER, (NO. OF DAYS.)					Rain gauge.		
	Mean temperature.		Highest de- gree.	Lowest de- gree.	Range.	North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.	Clear.	Cloudy.	Rain.		Snow.	Rain & Snow.
	1st half.	2d half.																	
Albany,	29.45	27.93	42	8	34	144	...	...	...	34	2	6	5	104	204	1	4	2	1.86
Anson,	31.63	33.11	46	10	36	14	44	2	6	4	24	74	3	8	23	1	24	4	2.95
Bridgeport,	24.46	30.44	46	—	54	1	3	7	34	2	14	7	6	10	24	4	54	4	5.15
Cambridge, Washington,	26.96	26.62	45	—	42	174	14	...	...	4	5	2	1	84	204	...	34	...	1.17
Canajoharie,	26.95	26.55	45	5	50	...	...	3	11	4	24	54	44	94	214	...	7	...	3.86
Canandaigua,	27.84	28.49	40	10	40	...	...	4	44	64	1	1	71	44	264	4	5	2	3.70
Cayuga,	31.13	33.54	48	13	35	8	2	...	...	14	...	14	14	12	19	14	2	...	4.42
Cherry Valley,	25.60	26.55	40	—	42	1	54	7	...	...	2	14	14	12	15	5	...	...
Clinton,	35.66	34.77	50	16	34	3	114	34	1	...	...	8	8	15	16	34	3	4	
Cortland,	26.46	28.16	38	7	31	7	11	...	34	10	1	34	74	74	234	...	3	...	
Delaware,	25.56	25.46	42	2	40	7	3	14	34	10	2	9	4	44	264	...	4	...	
Dutchess,	31.11	30.72	42	13	29	64	9	24	4	...	...	54	4	124	184	1	24	14	
Essex Hall,	26.98	26.68	48	20	28	44	10	14	...	...	...	14	12	144	164	34	1	...	
Fairfield,	23.89	28.13	36	0	36	...	...	2	...	...	8	4	5	154	154	...	24	...	
Farmer's Hall,	32.23	30.18	46	11	35	14	7	24	...	...	104	6	14	21	10	1	4	...	3.57
Gouverneur,	23.15	26.72	49	16	49	7	7	24	34	5	104	6	8	12	19	...	4	...	1.86
Hamilton,	27.65	23.13	42	—14	56	44	...	...	...	15	1	...	13	74	234	...	5	...	2.05
Hartwick,	27.17	28.51	45	2	52	14	14	...	4	2	...	5	...	144	164	...	14	...	3.10
Hudson,	30.82	28.45	64	12	44	104	84	...	...	...	1	...	...	144	164	...	14	...	3.25
Ithaca,	30.42	31.40	48	7	44	44	14	...	4	4	104	1	...	10	21	1	14	...	3.92
Johnstown,	25.07	24.84	45	—	52	4	11	64	...	...	...	124	...	74	234	...	64	...	3.63
Kinderhook,	27.69	30.00	44	9	35	18	2	34	14	3	...	...	2	11	20	...	4	...	3.30
Kingston,	31.78	33.44	46	8	38	14	104	...	...	...	...	...	14	14	17	14	14	...	1.55
Lansingburgh,	29.53	27.73	42	6	36	15	34	...	...	44	...	...	3	10	21	...	5	...	1.44
Lawson,	34.47	32.86	44	23	44	7	...	...	24	...	13	...	...	34	274	44	44	...	2.88
Lowville,	22.92	26.65	46	—	62	154	24	1	...	...	...	...	...	13	18	...	...	...	1.16
Middlebury,	23.63	33.46	50	10	39	44	34	...	2	4	24	...	34	54	234	1	34	...	3.60
Montgomery,	30.41	29.14	48	11	40	15	4	...	...	1	17	6	44	124	184	...	3	...	2.12
Newburgh,	31.36	29.86	48	12	37	5	16	...	...	...	3	...	...	124	184	...	3	...	2.12

ACADEMIES.	THERMOMETER.			WINDS, (NO. OF DAYS.)										WEATHER, (NO. OF DAYS.)					Rain gage.			
	Mean temperature.			Range.	Lowest de- gree.	Highest de- gree.											Clear.	Cloudy.		Rain.	Snow.	Rain&Snow.
	1st half.	2d half.					North.	N. East.	East.	S. East.	South.	S. West.	West.	N. West.								
North-Salem,	29.98	29.75		31	9	40	144	24	24	...	...	24	14	10	154	4	1	4	4.21	
Onondaga,	29.32	31.42		44	4	48	44	2	4	16	44	14	9	3	8	1	3	...	1.69			
Oxford,	26.06	26.77		48	6	48	9	14	...	...	24	54	44	14	17	4	3	...	1.61	
Oysterbay,	35.92	35.62		28	20	46	164	...	...	...	24	3	34	7	294	4	3	...	3.17
Palmyra,	31.12	31.18		34	10	44	4	4	6	5	...	14	74	64	24	1	2	...	2.30			
Pompey,	25.39	26.78		38	7	45	4	3	24	64	34	3	34	9	24	4	5	...	3.70			
Redhook,	29.37	30.06		27	13	40	114	84	34	...	6	...	...	14	124	1	2	...	3.51	
Rochester,	29.01	32.12		36	10	46	1	3	6	...	14	24	3	2	17	1	34	2	1.99			
St. Lawrence,	29.00	23.83		54	15	39	...	14	4	...	...	9	...	...	94	4	...	...	1.52
Sem. of Gen. and Onei. Conferences,	25.74	29.67		44	0	44	...	44	14	11	14	34	74	64	7	...	4	...	2.83			
Springville,	30.56	28.39		94	16	40	24	24	34	3	14	34	9	54	14	...	5	...	2.14			
Union,	24.71	29.19		62	12	50	34	10	24	4	44	1	...	...	21	...	4	...	3.10	
Union-Hall,	34.79	34.20		96	20	46	34	104	2	4	...	2	2	104	16	2	4	...	2.54			
Utica,	28.44	27.61		47	1	46	...	...	8	4	...	6	13	...	14	...	...	...	2.61

RECAPITULATION AND RESULTS, NO. 1.

ACADEMIES.	MEAN TEMPERATURE OF EACH MONTH.												Annual Mean.	Highest degree during the year.	Lowest degree during the year.	Annual Range.	Coldest day in the year.	Warmest day in the year.	First frost in autumn.	First fall of snow.	
	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.									
Albany,	29.60	22.06	32.26	51.76	62.34	62.77	69.65	66.62	69.16	47.96	36.69	28.69	47.62	91	-10	101	66	February	1 July	1 October	12 October
Auburn,	28.98	23.73	31.38	49.63	61.12	61.55	67.64	66.37	61.66	49.40	39.78	32.37	47.80	87	-7	94	72	Jan.	11 July	13 Sept.	14 Oct.
Bridgewater,	28.60	18.33	29.52	47.72	55.38	57.47	69.33	62.36	55.73	42.27	32.02	27.45	43.85	91	-16	107	78	Feb.	1 July	23 Sept.	7 Oct.
Cambridge, Wash.,	28.05	13.49	28.76	47.84	59.15	60.37	66.58	64.75	59.22	46.49	34.14	26.79	45.05	89	-18	107	80	Feb.	19 July	1	1 Oct.
Canajoharie,	27.44	19.62	30.79	50.50	63.12	61.61	67.91	67.18	59.82	47.72	35.32	26.75	46.48	93	-16	109	68	Jan.	19 July	1	1 Oct.
Canandaigua,	29.23	24.72	31.39	52.66	60.48	62.75	69.39	67.44	60.13	48.23	35.47	26.16	47.29	92	-10	92	63	March	2 July	24 Sept.	14 Oct.
Cherry Valley,	27.19	19.50	28.00	47.92	59.56	60.55	65.74	64.18	57.36	44.51	34.05	26.07	44.55	88	-12	100	74	Jan.	11 July	14 Sept.	3 Oct.
Clinton,	33.49	30.02	34.51	46.48	56.44	61.63	68.39	67.91	62.93	51.92	40.10	33.21	49.09	85	-3	82	57	March	3 July	23 Oct.	27 Dec.
Cortland,	28.39	22.13	30.83	47.29	60.70	60.04	65.79	64.53	59.77	46.18	34.47	27.56	45.68	91	-7	98	76	Jan.	11 July	13 Sept.	14 Oct.
Dutchess,	31.18	25.76	34.54	54.32	61.54	65.45	73.19	69.57	64.00	50.34	30.91	24.91	49.93	99	-7	106	68	Feb.	1 July	22 Sept.	14 Oct.
Erasmus Hall,	35.95	31.87	36.00	51.85	61.75	65.25	71.34	71.33	64.71	52.67	42.30	36.48	51.83	91	-4	87	62	March	2 July	22 Oct.	23 Oct.
Fairfield,	21.89	17.78	29.61	46.68	56.71	57.92	60.93	59.16	61.76	57.46	50.35	36.01	45.73	86	-12	98	62	Jan.	24 July	13 Sept.	1
Gouverneur,	22.60	15.67	26.31	48.94	61.05	60.57	66.19	58.70	63.39	46.04	45.62	24.93	44.69	90	-32	122	96	Feb.	24 Aug.	21 Sept.	3 Oct.
Hamilton,	27.25	19.67	30.59	51.25	59.75	59.36	65.19	63.98	56.55	44.72	33.86	27.80	44.99	94	-21	118	86	Jan.	11 July	1 Sept.	14 Oct.
Hudson,	29.42	21.90	31.89	53.17	61.08	64.00	73.66	68.87	62.36	49.44	37.42	29.63	48.63	97	-6	103	67	Feb.	1 July	1 Oct.	5 Oct.
Ithaca,	33.65	23.15	31.50	50.64	65.12	63.09	71.31	68.18	57.84	46.52	37.48	30.91	48.23	98	-4	102	71	March	2 July	1 Sept.	14 Oct.
Kinderhook,	28.19	21.01	31.60	50.02	62.40	62.09	68.68	66.01	57.70	46.25	36.24	28.44	46.55	91	-14	105	74	Feb.	1 July	22 Sept.	1 Oct.
Kingston,	36.27	23.62	35.92	49.54	63.24	66.65	75.20	72.66	45.53	30.39	27.32	01.51	40	92	-4	96	68	Feb.	1 July	21	Nov.
Laurensburgh,	29.50	21.18	31.92	51.88	62.01	65.16	71.67	63.61	71.49	26.36	25.28	68.11	48	94	-15	109	69	Feb.	2 July	14 Oct.	1 Oct.
Lawson,	30.37	26.40	36.15	51.89	62.33	64.63	71.06	68.33	64.86	48.47	33.12	33.68	49.69	87	-0	87	70	March	2 July	21 Sept.	12 Oct.
Lowville,	34.90	16.45	27.95	50.96	59.73	58.54	66.02	64.74	56.36	44.56	34.26	24.78	44.02	94	-28	122	84	Jan.	19 July	21 Sept.	3 Nov.
Madison,	31.21	25.40	33.86	51.82	61.51	61.25	68.95	67.19	62.00	49.29	39.39	33.54	48.70	96	-3	99	77	March	2 July	21 Sept.	14 Oct.
Middlebury,	30.31	26.90	34.96	53.48	63.84	63.21	70.90	67.84	67.62	51.46	39.06	33.71	49.90	99	-7	106	74	Feb.	2 July	22 Oct.	11 Nov.
Montgomery,	32.86	27.51	36.48	57.30	62.07	63.20	69.90	67.59	62.78	50.11	39.15	30.56	49.96	97	-0	97	68	Jan.	19 July	22 Oct.	11 Nov.
Newburgh,	30.44	26.05	33.66	51.78	61.64	62.86	70.63	66.38	58.91	48.76	36.61	29.86	43.68	94	-5	94	60	March	2 July	22 Sept.	13 Nov.
North-Salem,	31.20	24.52	33.83	52.98	60.11	61.05	67.49	66.95	60.00	48.01	38.75	30.37	47.81	92	-5	97	70	Jan.	19 July	23 Oct.	23 Oct.
Ondataga,	25.69	21.03	29.07	47.98	53.96	57.90	64.97	62.70	57.08	44.34	30.26	24.41	42.22	88	-18	106	73	Feb.	1 July	21 Sept.	14 Oct.
Oxford,	25.69	19.74	29.39	46.76	56.88	57.26	63.82	61.21	55.34	48.81	32.49	26.63	43.12	94	-9	93	50	March	2 July	21 Sept.	1 Oct.
Pompey,	25.69	19.74	29.39	46.76	56.88	57.26	63.82	61.21	55.34	48.81	32.49	26.63	43.12	94	-9	93	50	March	2 July	21 Sept.	1 Oct.
Redhook,	34.10	24.10	31.82	48.20	56.42	61.27	67.89	58.84	55.21	46.53	34.29	29.51	45.76	92	-5	97	69	Feb.	2 July	22 Oct.	3 Nov.

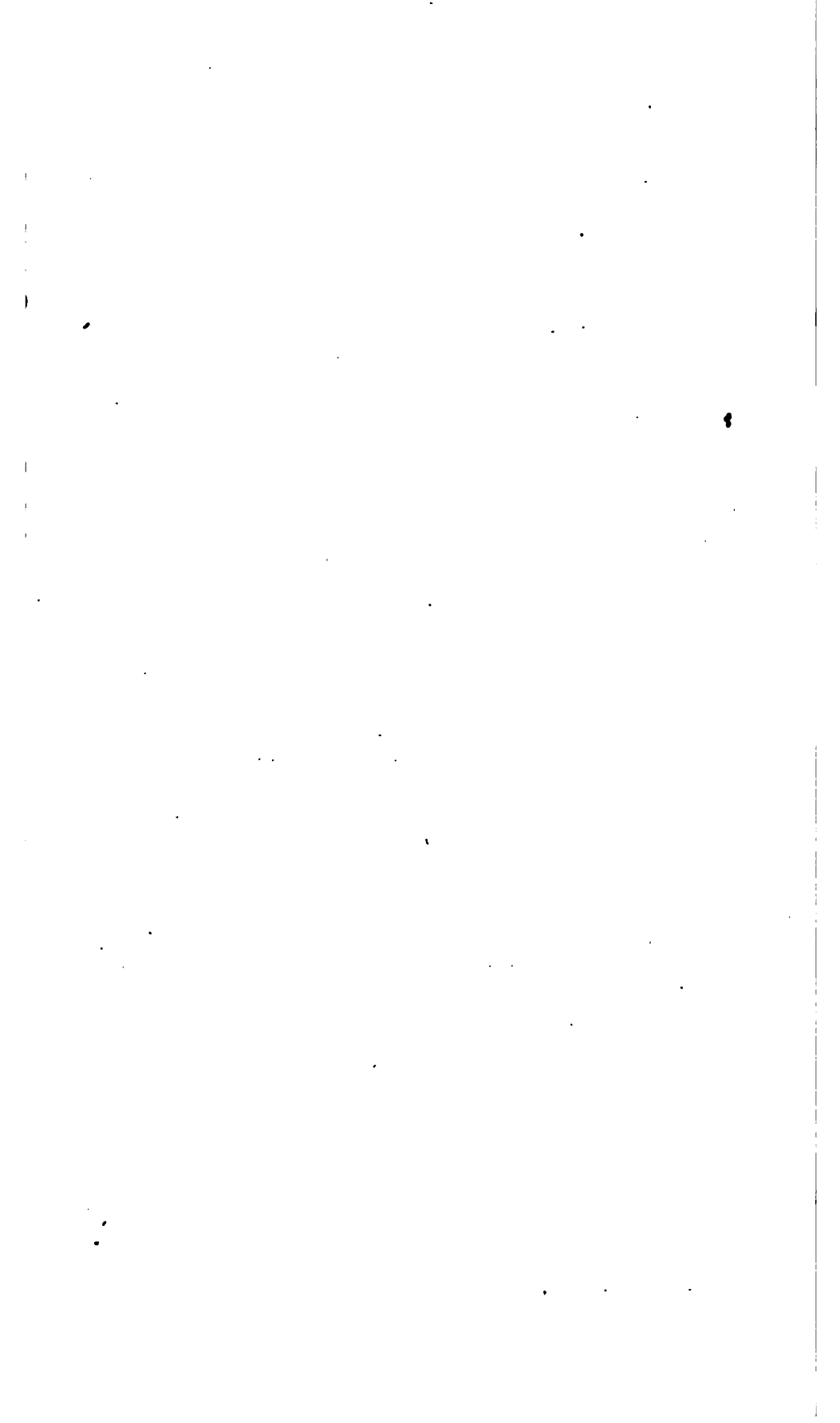
RECAPITULATION AND RESULTS, NO. 1, (Continued.)

ACADEMIES.	MEAN TEMPERATURE OF EACH MONTH.												Annual Mean.	Highest degree during the year.	Lowest degree during the year.	Annual Range.	Greatest no. range.	Coldest day in the year.	Warmest day in the year.	First frost in autumn.	First fall of snow.
	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.									
Rochester,	30.95	28.01	34.16	52.70	61.94	62.60	68.69	66.31	62.37	44.33	35.68	30.59	48.18	91	85	8	89.66	March	2 July	29 October	5 Nov.
St. Lawrence,	18.85	11.05	23.89	44.65	56.62	58.74	63.30	60.50	54.95	42.51	31.90	21.91	40.57	85	27	119.83	Feb.	24 July	23 Sept.	3 Nov.	
Sem. of G. & O. Con.,	26.45	18.91	28.65	49.45	59.05	57.64	65.47	63.62	56.49	45.44	34.48	27.70	44.44	90	11	101.71	March	24 July	23 Sept.	15 Oct.	
Union,	25.10	19.81	31.65	48.99	61.45	59.57	67.63	62.55	59.59	46.77	36.47	28.53	45.48	94	25	119.94	Feb.	24 July	23 Sept.	2 Nov.	
Union-Hall,	32.83	30.27	36.53	53.16	63.41	66.55	72.62	70.59	65.36	53.20	40.83	34.49	51.84	91	5	86.62	Feb.	2 Sept.	5 Oct.	23 Dec.	
Utica,	27.80	19.73	28.80	48.40	59.04	55.87	63.01	61.63	56.40	46.38	36.09	28.03	44.28	89	9	98.73	March	2 July	23 Sept.	15 Oct.	



AND RESU1

MONTH.		DAYS, (NO. OF DAYS.)			Prevailing wind.
August.	September.	S. West.	West.	N. West.	
S	S	29	62	69	South.
SW	NW	58	38½	95½	Northwest.
W	W	36	123	62	West.
S	S	42	28½	23½	South.
W&NW	W	21½	113	101½	West.
W	W	26½	111½	42½	South.
SW	W	76½	136½	45½	West.
SW	SW	65½	35½	81	Northwest.
NW	S	22½	106	97½	South.
SE	SE	37½	8½	49½	Southeast.
SW	SW	88½	25	107	Northwest.
NW	NW	17½	53	198	Northwest.
SW	SW	140½	50	66½	Southwest.
NW	NW	94½	25½	140	Northwest.
SE	N	7	44	51½	Southeast.
NW	S	12½	15½	41½	South.
S	N	16	9	57	South.
SW	NW	62½	24½	118½	Northwest.
S	S	19	90½	30½	South.
SW	SW	166½	36½	34	Southwest.
N	N	23	33	38½	North.
SW	SW	216½	33	29½	Southwest.
W	SW	84	80	45	Southwest.
SW	SW	131½	21½	61½	Southwest.
NW	NW	68	21½	118	Northwest.
NW	NW	28½	107	91	West.
N	W	81½	89	49½	West.
SW	W	104½	71½	80½	Southwest.
S	N&S	5	6½	11	North.
NW	W	44	115	78	West.
SW	SW	131	17	70½	Southwest.
NW	NW	80½	57	143½	Northwest.
SW	SW	102½	46½	42½	Southwest.
SW	SW	96½	14½	137½	Northwest.
W	W	49	187½	1½	West.



RECAPITULATION AND RESULTS, NO. 3.

ACADEMIES.	WEATHER, (NO. OF DAYS.)					RAIN GAGE FOR EACH MONTH.												Total fall of rain & snow, 1833.	Driest month in the year.	Wettest month in the year.
	Clear.	Cloudy.	Rain.	Snow.	Rain & Snow.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.			
Albany,	213	151	89	22	9	2.63	2.56	1.62	1.33	8.47	2.36	4.48	3.36	3.14	7.50	2.43	1.86	41.74	April.....	May.
Auburn,	200	164	33	13	2	1.48	1.65	1.45	1.63	7.82	1.43	5.63	3.62	2.80	3.43	.79	2.25	34.00	November...	May.
Bridgewater,	164	200	43	29	4	2.75	2.24	3.37	.72	6.34	3.42	7.16	2.48	3.09	4.70	1.45	5.15	42.37	April.....	July.
Cambridge, Washington,	191	174	48	16	3	1.94	1.93	2.09	1.35	9.67	3.79	4.36	6.74	2.99	8.35	3.13	1.17	47.51	December...	May.
Cannoharie,	189	175	65	33	2	....	....	....	....	4.96	3.49	4.40	1.12	.73	5.30	....	....	....	....	....
Canandaigua,	151	215	84	27	4	1.71	3.20	.85	1.46	6.87	2.85	4.91	4.35	3.54	3.85	2.40	3.86	39.85	March.....	May.
Cherry-Valley,	181	184	59	19	1	2.89	1.93	1.56	1.95	8.39	3.41	6.89	2.82	4.10	4.83	2.49	3.70	44.01	April.....	May.
Clinton,	249	116	35	6	....	2.71	1.63	.50	1.56	3.35	3.42	1.48	1.56	2.77	7.51	3.38	4.42	36.29	March.....	October.
Cortland,	176	189	37	23	35	....	....	....	....	....	....	....	....	....	....	....	....	40.52	February....	October.
Dutchess,	197	174	63	16	3	2.62	1.53	2.13	1.75	4.08	4.62	3.26	4.45	2.52	8.64	2.38	2.04	46.76	February....	October.
Erasmus Hall,	245	130	25	4	4	3.18	1.00	3.30	1.87	5.70	4.97	3.63	3.68	2.94	8.52	2.37	5.60	....	....	....
Fairfield,	113	252	31	6	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
Gouverneur,	210	154	45	19	1	1.66	4.19	.77	1.32	3.81	4.27	2.75	5.79	2.41	3.38	1.79	1.66	33.80	March.....	August.
Hamilton,	165	190	21	13	....	2.20	5.84	3.14	.52	5.16	2.26	7.79	2.65	5.50	2.96	3.25	1.93	43.20	April.....	July.
Hudson,	249	153	27	9	4	2.95	2.60	2.80	.90	5.90	3.20	5.00	4.12	2.75	8.40	1.40	3.10	30.64	April.....	October.
Ithaca,	176	184	25	11	4	2.30	2.86	1.25	1.78	.90	1.47	3.70	2.78	1.60	2.57	2.18	3.25	38.86	May.....	July.
Kindertook,	191	173	60	17	4	1.65	2.06	2.01	1.11	4.78	3.23	4.71	4.03	3.79	7.76	1.10	3.63	....	November...	October.
Kingson,	241	134	29	9	4	4.92	3.19	2.82	2.57	5.03	4.40	2.30	2.47	4.50	3.70	3.20	44.04	August....	May.	
Lansingburgh,	189	176	66	17	4	2.92	2.85	1.91	.87	7.86	3.12	4.08	3.76	3.50	8.40	3.67	1.55	44.49	April.....	October.
Leviston,	152	213	48	16	0	.56	1.48	1.15	1.56	3.31	3.15	3.93	1.09	2.01	1.92	.06	1.44	90.73	November...	July.
Lowville,	142	223	....	....	....	2.10	1.75	1.30	1.45	6.40	3.90	3.20	2.87	2.96	4.50	1.77	2.83	35.08	March.....	May.
Middlebury,	204	161	36	13	2	1.64	1.72	.50	2.12	6.58	2.46	3.83	2.94	3.94	3.01	1.77	1.16	30.67	March.....	May.
Montgomery,	200	164	28	9	1	1.95	1.00	1.65	1.85	2.90	4.01	1.53	3.13	3.35	8.43	3.89	3.60	36.34	January....	October.
Newburgh,	210	155	31	9	3	3.42	.31	2.52	1.13	3.79	4.34	3.80	5.25	3.96	8.74	2.79	2.12	41.17	January....	October.
North-Salem,	227	137	53	7	3	3.47	1.13	3.24	1.57	5.11	3.69	3.01	2.69	3.06	9.90	1.98	4.21	43.26	February...	October.
Onondaga,	186	179	39	29	1	1.08	1.43	2.98	2.08	4.73	2.65	3.48	1.55	3.99	1.84	1.38	1.69	96.79	January....	May.
Orford,	180	185	49	29	1	1.85	1.65	.80	.33	6.15	2.47	3.66	3.48	4.11	4.38	2.90	1.61	32.69	April.....	May.
Pompey,	155	209	55	33	0	.49	1.18	.13	1.24	5.28	2.66	9.54	2.92	3.26	3.23	.46	.70	30.14	Feb. & Mar.	July.
Redhook,	273	92	39	6	2	1.74	1.73	1.61	.00	4.47	3.11	2.07	.90	3.53	1.93	1.33	3.51	25.92	April.....	May.

RECAPITULATION AND RESULTS, NO. 3, (Continued.)

ACADEMIES.	WEATHER, (NO. OF DAYS.)				RAIN GAGE FOR EACH MONTH.												Total fall of rain & snow, 1833.	Driest month in the year.	Wettest month in the year.	
	Clear.	Cloudy.	Rain.	Snow.	Rain & Snow.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.				December.
Rochester,	186	179	45½	15	0	1.40	...	...	1.55	6.04	4.55	2.49	2.14	1.48	1.80	1.08	1.99	...	...
St. Lawrence,	159½	205½	66	25	0	1.25	.79	.86	1.87	4.30	4.49	6.87	7.96	4.32	5.23	.87	.52	39.57	December... August.	
Sem. of Gen. and Onei. Con. .	170½	194½	25½	18½	1	1.42	1.11	1.85	1.98	5.20	2.78	6.31	2.79	4.32	4.80	2.16	2.95	37.57	February... July.	
Union,	183½	176½	23½	10	5½	2.35	3.60	1.80	.75	4.40	.61	1.15	2.12	1.42	2.21	2.31	3.10	25.82	June... May.	
Union-Hall,	257½	107½	32½	4½	3	1.30	2.00	2.42	.85	4.50	3.85	4.52	2.07	3.40	6.75	2.47	2.54	36.67	April... October.	
Utica,	260	105	.....	.....	.....	2.17	2.68	1.39	.73	4.30	2.46	6.03	3.96	3.76	4.66	3.04	2.61	37.79	April... July.

RECAPITULATION AND RESULTS, NO. 4.

COMPARISON OF THE WARMEST AND COLDEST DAY IN EACH MONTH.																									
ACADEMIES.		January.		February.		March.		April.		May.		June.		July.		August.		September.		October.		November.		December.	
		Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.
Albany,	5	19	1	19	15	4	10	30	1	29	5	29	13	29	29	29	29	29	13	17	31	8	5	5	13
Auburn,	4	11	17	24	14	2	23	23	13	18	21	23	4	31	30	29	29	22	16	30	11	4	5	5	14
Bridgewater,	4	19	18	1	13	2	10	23	23	18	29	10	23	23	17	29	29	14	17	30	8	20	25	12	
Cambridge, Wash.	4	17	18	2	15	3	9	22	1	23	13	22	13	29	31	23	23	13	16	31	8	20	31	13	
Canajoharie,	5	19	22	5	19	5	3	30	1	18	29	3	29	29	5	29	29	13	17	31	11	9	31	13	
Canandaigua,	4	17	17	6	13	3	5	22	24	18	29	2	18	29	30	25	19	18	1	30	11	14	4	12	
Cherry-Valley,	5	11	18	1	13	4	20	22	13	18	29	7	23	29	4	29	5	9	16	30	9	30	31	13	
Clincon,	5	11	18	7	13	4	20	22	13	18	29	3	23	29	18	27	14	13	7	31	8	30	8	13	
Cortland,	4	11	17	25	1	15	2	23	23	18	29	3	23	29	3	29	5	23	16	31	11	23	31	15	
Deutchess,	5	19	18	1	15	4	23	23	23	18	29	25	23	29	3	29	5	23	17	29	11	30	5	14	
Esopus,	5	11	19	1	15	3	9	22	22	19	13	9	22	29	3	29	5	13	16	31	9	17	5	20	
Fairfield,	6	23	23	28	14	30	16	21	18	18	4	21	9	25	17	17	8	12	26	31	11	12	8	13	
Gouverneur,	4	19	17	24	14	3	21	21	21	18	8	16	9	29	30	29	5	14	17	30	9	30	31	14	
Hamilton,	5	11	17	27	14	4	22	22	1	18	5	22	3	25	19	29	4	13	17	30	7	30	31	11	
Hudson,	5	19	1	1	13	3	23	23	1	18	13	23	9	15	15	13	5	13	16	31	9	28	31	13	
Itasca,	5	11	17	1	14	3	23	23	1	18	29	9	9	17	17	21	4	23	16	31	9	28	31	14	
Kindhook,	5	19	18	1	15	18	9	22	22	18	7	22	13	29	3	29	4	13	17	31	9	4	31	20	
Kingston,	9	19	18	1	27	16	23	23	22	16	29	9	9	18	18	29	29	13	16	30	9	4	4	4	
Lewisburgh,	5	19	18	1	15	3	30	30	19	19	5	29	13	29	17	29	5	13	17	31	9	20	31	13	
Lewiston,	4	11	17	1	12	12	3	30	21	18	11	30	9	19	19	11	13	6	30	31	8	4	26	14	
Lowville,	4	11	17	24	15	21	23	23	21	18	29	8	8	19	19	29	4	1	16	30	9	20	31	12	
Middlebury,	5	19	18	1	13	9	23	23	16	18	21	23	5	3	3	29	5	12	1	31	8	26	5	14	
Montgomery,	5	19	18	1	13	2	10	23	1	19	21	23	6	3	3	13	28	14	16	31	9	19	31	14	
Newburgh,	5	19	18	10	13	9	15	26	3	18	7	26	14	3	3	13	28	14	16	31	9	19	31	14	
North-Salem,	6	11	18	1	13	5	13	13	22	18	30	9	9	22	16	29	20	13	16	31	9	19	31	14	
Onondaga,	4	11	18	1	13	3	13	13	22	18	16	9	9	21	16	29	19	13	16	30	8	20	31	12	
Orford,	5	11	18	1	13	4	30	23	21	18	29	3	3	29	29	29	4	13	16	30	8	4	4	14	
Pompey,	4	11	17	24	14	4	23	23	21	18	29	3	3	29	29	29	4	13	16	30	8	4	4	14	

RECAPITULATION AND RESULTS, NO. 4, (Continued.)

COMPARISON OF THE WARMEST AND COLDEST DAY IN EACH MONTH.

	January.		February.		March.		April.		May.		June.		July.		August.		September.		October.		November.		December.	
	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.	Warmest.	Coldest.
Redhook,	5	11	19	10	29	10	29	10	19	3	30	20	29	29	6	29	5	13	8	31	9	19	1	13
Rochester,	4	17	9	13	29	13	29	13	18	14	30	3	29	29	21	29	4	22	16	30	14	4	30	14
St. Lawrence,	4	19	17	14	29	14	29	14	18	2	23	2	23	29	21	29	5	12	7	29	11	19	3	13
Sem. of Gen. and Onsl. Con.	5	11	17	13	29	13	29	13	18	4	30	3	23	4	5	29	19	14	16	30	8	20	4	14
Union,	21	31	18	9	29	9	29	9	7	30	23	9	23	18	21	29	4	13	8	29	8	20	31	13
Union-Hall,	5	11	18	15	30	15	30	15	1	19	23	9	24	3	13	29	5	12	2	30	9	19	17	13
Utica,	4	19	18	13	29	13	29	13	18	30	30	3	23	30	13	29	4	13	16	30	20	25	13	13

ACADEMIES.

COMPARISON OF THE RANGE IN EACH MONTH.

ACADEMIES.	January.		February.		March.		April.		May.		June.		July.		August.		September.		October.		November.		December.	
	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.
Albany,	60	-6	47	-10	66	0	84	25	83	36	86	42	91	54	83	46	78	41	70	22	59	17	43	8
Auburn,	62	-7	48	0	70	5	83	26	80	37	80	45	87	81	83	47	80	40	71	27	64	25	46	10
Bridgewater,	64	-14	46	-16	66	5	85	15	88	36	84	30	91	43	85	42	84	28	68	21	62	4	45	8
Cambridge, Washington,	59	-8	49	-18	63	-17	85	19	82	28	80	41	89	45	82	43	73	36	72	19	62	10	45	3
Canajoharie,	52	-12	48	-16	64	-4	84	24	82	28	84	43	93	48	85	49	84	35	68	22	62	12	45	5
Canandaigua,	66	4	52	4	67	4	88	28	82	36	85	42	92	56	86	49	84	41	70	30	60	16	50	10
Cherry-Valley,	62	-12	46	3	67	7	85	17	85	29	81	33	88	43	86	49	82	33	71	22	60	9	40	2
Clinton,	64	15	48	10	68	3	70	31	74	29	78	34	91	52	84	42	84	40	64	28	61	20	50	16
Cortland,	69	7	60	-5	68	-6	88	20	87	32	86	34	91	42	86	42	86	32	71	26	62	14	38	7
Dutchess,	65	-1	48	-7	66	-2	88	28	88	36	87	38	99	50	89	48	88	34	76	26	64	18	42	13
Essex Hall,	63	12	54	10	66	4	84	31	84	40	83	44	91	56	84	47	86	44	73	30	66	24	48	20
Fairfield,	47	-12	45	-9	55	7	80	20	81	41	86	44	96	40	84	39	72	47	70	28	60	29	49	0
Gouverneur,	57	-31	44	-32	66	-30	83	13	81	31	84	38	87	49	90	40	87	32	74	15	60	11	49	-16
Hamilton,	63	-23	48	-34	65	-1	85	23	92	39	86	33	94	48	87	40	86	30	70	26	66	16	42	-14
Hudson,	62	-5	43	-6	62	0	85	29	89	35	88	45	97	54	90	44	84	40	72	22	66	19	64	12
Ithaca,	71	0	48	-3	65	-4	98	26	88	40	84	37	96	49	89	42	87	31	70	28	70	16	48	4
Kinderhook,	65	-9	47	-14	63	-6	88	22	86	31	86	40	91	52	86	42	83	37	72	16	65	15	44	9
Kington,	64	-4	49	-4	69	0	88	29	80	39	81	51	92	63	82	45	81	52	79	24	62	20	46	8
Laurensburgh,	52	-8	47	-15	65	-4	80	24	80	32	82	44	94	53	86	46	81	40	74	20	62	13	44	6
Lewiston,	62	3	45	12	70	0	90	32	80	50	80	50	87	53	82	49	75	54	74	22	62	22	44	22
Lowville,	56	-28	46	-22	45	-17	83	17	86	32	85	32	94	46	93	49	80	34	78	20	61	14	50	-16
Middlebury,	65	2	54	3	74	-3	92	18	88	36	92	34	96	46	93	38	87	30	73	23	68	19	46	10
Montgomery,	70	0	47	-7	68	-6	92	29	84	45	88	45	99	51	98	43	88	38	73	22	63	20	49	12
Newburgh,	68	0	54	3	68	2	92	32	83	40	83	45	97	51	89	38	83	38	73	26	65	16	48	9
North-Salem,	65	6	48	0	66	0	88	28	82	32	84	39	94	50	86	45	87	36	75	21	65	15	48	4
Onondaga,	64	-5	50	-2	70	0	90	30	86	28	88	37	92	50	90	45	88	32	78	28	63	13	48	6
Oxford,	64	-9	42	-16	60	-3	82	22	82	31	82	35	88	44	86	42	81	34	68	21	63	8	42	7
Pompey,	59	-9	45	-7	71	-8	78	17	77	39	84	38	83	49	79	40	78	36	68	21	58	16	45	7

RECAPITULATION AND RESULTS, NO. 5, (Continued.)

COMPARISON OF THE RANGE IN EACH MONTH.

ACADEMIES.	January.		February.		March.		April.		May.		June.		July.		August.		September.		October.		November.		December.	
	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.
Redhook,	65	-4	44	-5	67	2	86	26	82	34	80	43	92	48	82	40	82	38	73	30	59	20	40	13
Rochester,	64	6	46	12	68	2	84	30	86	48	85	45	91	51	88	46	80	41	68	29	64	12	46	10
St. Lawrence,	53	-94	43	-25	58	-27	82	14	83	26	82	36	82	43	85	40	73	31	68	19	58	12	39	-15
Sem. of Gen. and Onst. Com	60	-11	46	-10	63	-4	83	35	83	30	84	39	90	46	84	41	77	30	70	34	63	12	44	0
Union,	44	2	44	-25	72	-22	78	28	88	32	85	30	94	50	83	46	83	35	76	30	56	13	50	-12
Union-Hall,	67	10	53	5	67	5	86	33	87	51	86	40	89	58	90	50	91	44	74	31	64	15	46	20
Utica,	56	-9	55	-9	63	-9	82	21	85	38	81	38	87	44	80	46	74	35	74	26	65	15	46	1

ACADEMIES.

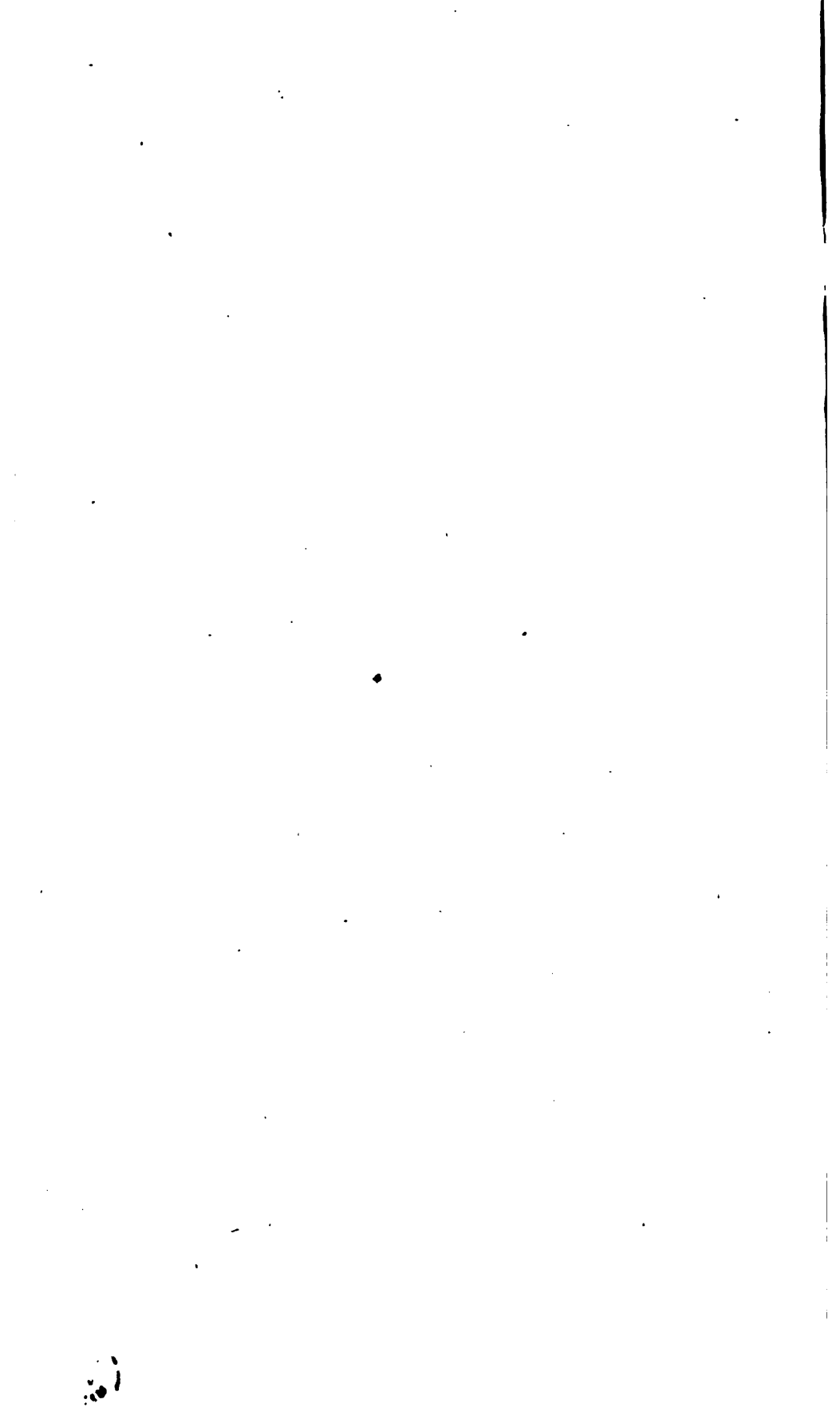
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, for each of Average for the whole
number of 1

PREVAIAND SNOW IN EACH YEAR.						General mean average.
1827.	1828.	1830.	1831.	1832.	1833.	
S	S	41.85	39.52	44.45	41.74	40.77
S	S	37.88	.....	30.87	34.00	33.64
....	....	.....	.....	.....	42.87	42.87
3W	SW	35.10	43.05	46.45	47.51	27.27
....	....	.....	.....	.....	.....	43.83
....	NW	36.60	38.90	30.04	39.85	35.11
S	....	37.11	36.10	29.06	.....	34.46
3W	W	45.05	49.04	.....	44.01	44.44
NW	E	46.65	38.49	41.82	36.29	40.55
....
....	SW	22.55	.....	.....	.....	25.70
NW	SW	46.36	49.63	47.39	40.52	45.97
NW	SW	53.47	42.52	43.54	46.76	46.62
NW	E	.....	23.73	32.22	.....	33.82
....	....	33.93	36.69	41.03	.....	37.21
NW	NW	36.15	.....	.....	.....	29.39
NW	NW	.....	.....	.....	33.80	33.80
NW	SW	42.71	35.79	35.38	43.20	35.53
N	S	41.50	44.64	38.43	.....	38.28
NW	S	39.77	44.65	45.57	42.52	41.90
....	S	35.61	.....	.....	26.64	41.30
N	W	.....	36.88	32.73	.....	28.90
....	....	36.92	42.82	53.46	39.86	35.64
....	....	40.15	45.35	38.25	44.04	43.26
N	S	40.67	37.38	45.83	44.49	41.35
....	....	.....	25.35	21.45	20.73	40.55
NW	NW	36.66	39.79	29.12	35.08	22.51
3W	SW	38.50	29.83	28.58	30.67	33.86
....	S	40.99	44.62	40.54	36.34	31.22
....	....	.....	42.36	48.86	.....	29.05
....	SW	34.38	.....	43.16	41.17	45.61
....	....	43.37	42.95	40.93	43.26	38.91
S	S	.....	.....	28.20	26.79	42.62
NW	....	33.79	30.63	31.00	32.69	30.44
....	SW	30.06	.....	26.44	30.14	32.96
....	....	43.00	48.23	38.54	25.92	31.07
3W	NW	34.94	.....	.....	.....	38.92
N	W	.....	30.36	22.11	39.27	34.94
....	....	41.50	37.29	37.49	37.57	31.02
....	....	26.09	32.85	.....	25.82	34.85
NW	NW	43.32	37.75	38.25	36.67	38.48
N	W	46.19	37.85	49.90	37.79	28.25
....	SW	.....	.....	.....	.....	44.69
....	....	.....	.....	.....	.....	41.12

IAWLEY, Secretary.

WILE



MISCELLANEOUS OBSERVATIONS, NO. 1.

(PROGRESS OF VEGETATION, &C.)

First Thunder Storm.—March 23, Albany; March 21, Hartwick; April 12, Canandaigua; March 21, Cherry-Valley; March 20, Fairfield; March 21, Cayuga; March 21, Cortland; April 23, Dutchess; April 12, Erasmus-Hall; March 30, Hamilton; April 24, Hudson; April 4, Johnstown; March 21, Kinderhook; April 23, Lansingburgh; April 11, Lewiston, very severe; April 21, Lowville; April 11, Middlebury; April 12, North-Salem; April 4, Oxford; March 21, Pompey; April 21, St. Lawrence; March 21, Cazenovia; April 12, Union-Hall; March 21, Utica.

Blue birds first seen.—March 19, Buffalo; March 18, Cortland; March 15, Dutchess; March 14, Hudson; March 18, Kinderhook; March 21, Onondaga; February 21, North-Salem; March 13, Utica.

Robins first seen.—March 19, Canajoharie; March 19, Fairfield; March 20, Auburn; March 31, Buffalo; March 19, Cortland; March 19, Albany; March 15, Dutchess; March 18, Erasmus-Hall; March 19, Franklin; March 24, Johnstown; March 15, Hamilton; March 18, Hudson; March 18, Kinderhook; March 20, Lewiston; March 19, Onondaga; March 19, Pompey; March 18, Redhook; March 17, St. Lawrence; March 19, Cazenovia; March 20, Union-Hall; March 13, Utica.

Pigeons first seen.—March 26, Fairfield; March 21, Cortland; March 22, Albany; April 1, Bridgewater; March 19, Hudson; March 20, Johnstown; March 31, Lewiston; March 19, Montgomery; March 20, Utica.

Martins first seen.—April 11, Bridgewater; April 25, Cortland; April 24, Erasmus-Hall; April 17, Hudson; April 23, Johnstown; April 30, Lansingburgh; April 11, Utica.

Swallows first seen.—April 19, Fairfield; April 25, Bridgewater; May 7, Cortland; May 3, Delaware; April 29, Erasmus-Hall; April 25, Hamilton; April 26, Hudson; April 23, Johnstown; April 18, Lewiston; April 26, Montgomery; April 24, North-Salem; April 10, Pompey; April 7, St. Lawrence; April 5, Springville; March 31, Utica.

Fire-flies first seen.—May 25, Hamilton; June 2, Canajoharie; June 13, St. Lawrence; June 13, Utica.

Frogs first heard.—March 31, Onondaga; April 4, Fairfield; April 2, Buffalo; March 30, Cortland; April 4, Bridgewater; March 17, Erasmus-Hall; March 21, Franklin; March 31, Hamilton; April 3, Hudson; April 3, Johnstown; April 3, Kinderhook; March 24, Lewiston; March 19, North-Salem; April 2, St. Lawrence; April 3, Cazenovia; March 20, Union-Hall; April 1, Utica.

Violets in bloom.—April 7, Hartwick; April 5, Cortland; April 1, Dutchess; March 31, Erasmus-Hall; April 20, Onondaga; April 2, Redhook.

Spring Beauty (Claytonia Virginica) in bloom.—April 10, Fairfield; April 6, Bridgewater; April 10, Cortland; April 4, Onondaga.

Shad bush in blossom.—April 25, Canandaigua; May 3, Bridgewater; May 1, Cortland; April 29, Delaware; April 24, Erasmus-Hall; April 28, Hamilton; April 29, Hudson; April 18, Kinderhook; April 17, Middlebury; May 1, Onondaga; May 3, Cazenovia; April 27, Utica.

Dandelion in blossom.—April 27, Bridgewater; April 29, Hamilton; April 25, Kinderhook; May 5, Cazenovia; April 12, Union-Hall; April 30, Lewiston.

Sugar maple in blossom.—April 29, Bridgewater.

Strawberries in blossom.—May 2, Cortland; May 21, Delaware; May 4, Bridgewater; April 26, Johnstown; May 5, Fairfield; May 1, Hudson; May 1, Kinderhook; May 7, Lewiston; May 6, Lowville.

Plums in blossom.—April 30, Oxford; May 6, Pompey; May 1, Hartwick; Feb. 19, (but severe frost subsequent,) Cayuga; April 30, Cortland; April 30, Delaware; April 22, Erasmus Hall; April 30, Hamilton; April 22, Hudson; May 1, Johnstown; April 25, Kinderhook; May 2, Lansingburgh; April 21, Middlebury; April 27, Onondaga; May 6, St. Lawrence; April 30, Cazenovia; May 2, Union; April 29, Utica.

Cherries in blossom.—May 1, Hartwick; May 8, Fairfield; April 26, Cortland; April 28, Delaware; April 22, Erasmus-Hall; April 21, Hudson; May 1, Johnstown; April 24, Kinderhook; April 30, North-Salem; May 8, Pompey; April 28, Redhook; May 1, Cazenovia; April 23, Union-Hall; April 30, Utica.

Peach in blossom.—May 1, Redhook; May 2, Clinton; May 4, Buffalo; Feb. 19, but destroyed by the frost, Cayuga; May 1, Dutchess; April 22, Erasmus-Hall; April 20, Hudson; April 28, Kinderhook; April 28, Lewiston; April 21, Middlebury; April 22, Montgomery; April 15, Newburgh; April 18, North-Salem; April 26, Onondaga; April 24, Union-Hall.

Pear in blossom.—May 11, Canandaigua; May 14, Clinton; May 2, Cortland; May 8, Kinderhook; April 29, Onondaga; May 3, Oxford; May 15, Utica; April 29, Erasmus-Hall; April 24, Hudson.

Quince in blossom.—May 20, Canandaigua; May 6, Hudson; May 10, Kinderhook.

Apples in blossom.—May 9, Canandaigua; May 17, Clinton; May 12, Cherry-Valley; May 8, Fairfield; May 10, Delaware; May 4, Dutchess; May 3, Erasmus-Hall; May 4, Hamilton; May 6, Hudson; May 10, Johnstown; May 6, Kinderhook; May 1, Middlebury; April 30, Montgomery; April 29, North-Salem; May 11, Pompey; May 6, Redhook; May 10, Bridgewater; May 6, Cortland; May 14, St. Lawrence; May 9, Cazenovia; May 6, Union; May 2 Union-Hall; May 4, Utica.

Lilacs in bloom.—May 8, Utica; May 8, Erasmus-Hall; May 10, Cortland; May 3, Hudson; May 8, Lewiston; May 1, Newburgh; May 16, Pompey; May 12, Cazenovia; May 10, Kinderhook.

Daffodils in blossom.—April 16, Utica; April 12, Cortland; April 21, Hamilton; April 9, Hudson; April 9, Onondaga; April 23, Pompey.

Currants in blossom.—April 23, Union-Hall; April 23, Utica; April 27, Cortland; May 1, Delaware; April 19, Hudson; April 28, Johnstown; April 28, North-Salem; April 27, Onondaga; May 2, Pompey; May 6, St. Lawrence; May 4, Cazenovia.

Dogwood in blossom.—May 1, Union-Hall; May 6, Erasmus-Hall; May 3, Hudson; April 30, Johnstown.

Strawberries ripe.—June 3, Utica; May 31, Clinton; June 15, Cherry-Valley; May 29, Canajoharie; June 20, Auburn; May 31, Cortland; June 5, Delaware; May 26, Dutchess; May 24, Erasmus-Hall; May 23, Hudson; May 26, North-Salem; June 12, Pompey; June 2, St. Lawrence; June 4, Union-Hall; June 15, Cazenovia.

Green peas.—June 8, Utica; June 18, Auburn; July 2, Cortland; June 3, Hudson; June 8, Redhook; June 30, Lewiston; June 15, North-Salem; May 29, Union-Hall.

Currants ripe.—July 10, Clinton; June 19, Canajoharie; June 25, Auburn; June 30, Cortland; July 6, Delaware; June 21, Hudson; June 23, Middlebury; June 24, Onondaga.

Cherries ripe.—July 16, Cherry-Valley; June 30, Canajoharie; June 7, Union-Hall; June 25, Auburn; June 4, Dutchess; June 23, Lewiston; June 16, North-Salem; June 24, Onondaga.

Hay harvest commenced.—July 6, Canandaigua; July 11, Canajoharie; July 3, Cortland; July 11, Hamilton; June 28, North-Salem; June 28, Onondaga; July 11, Cazenovia.

New potatoes.—July 4, Auburn; July 12, Hamilton; June 13, Hudson; June 22, Utica.

Indian corn in silk.—July 8, Canajoharie.

Rye harvest commenced.—July 15, Canajoharie; July 23, Cortland; July 7, Hudson; July 11, North-Salem; July 18, Redhook.

Wheat harvest commenced.—July 7, Union-Hall; Aug. 5, Cazenovia; July 31, Springville; July 15, Canandaigua; July 18, Clinton; August 1, Cherry-Valley; July 23, Canajoharie; July 16, Auburn; July 30, Bridgewater; July 29, Cortland; July 9, Hudson; July 25, Middlebury; July 27, North-Salem; July 23, Onondaga; July 6, Oysterbay; July 23, Palmyra; July 23, Utica; July 26, Redhook; Aug. 3, St. Lawrence.

Apples ripe.—July 15, Dutchess; July 16, Hudson; July 21, North-Salem; July 21, Redhook; July 16, Utica.

Peaches ripe.—July 27, Dutchess; July 21, Hudson.

Common plum ripe.—Aug. 30, Cherry-Valley; Aug. 4, Dutchess; July 25, Hudson.

Indian corn ripe.—Aug. 1, Dutchess; July 11, Hudson; July 25, Lewiston; July 30, Middlebury; July 19, Utica.

Indian summer.—November 8, Bridgewater.

MISCELLANEOUS OBSERVATIONS, NO. 2.

(ATMOSPHERICAL PHENOMENA, &c.)

AURORA BOREALIS NOTICED.

- March 17,** very brilliant at Franklin; also observed at Onondaga, Cazenovia, Utica.
- April 23,** at Auburn.
- April 24,** at Bridgewater, Cortland, Lewiston, Middlebury, very bright at Albany,* Utica.
- April 26,** at Lowville.
- May 7,** at Bridgewater.
- May 16,** very brilliant at 9 P. M., arc reaching at one time across the heavens from N. W. to S. E.—Hamilton. Brilliant at Hudson.
- May 17.** Very brilliant from the N. W. to E. by S. about 9 P. M. They assumed the form of spires, and rising from the horizon met south of the zenith in a focus of uncommon splendor.—Lewiston.
- May 17.** Splendid at half past 9 P. M. Brightness at times equal to that of the full moon, and continued flashings.—Hartwick. Seen also at Fairfield, Bridgewater, Buffalo, Cortland, Lansingburgh, Montgomery, Pompey. Very brilliant and beautiful at Auburn. Very brilliant, resembling the rising flames of a nightly conflagration, with the exception, that occasionally the bright flames suddenly disappeared and as suddenly broke out with renewed splendor.—Kinderhook.—Very brilliant at 10 P. M., parallel columns of light which moved rapidly from north to south.—Albany. First noticed at half past 8 P. M., from which time until a few minutes past 9 it had nothing more than its usual appearance. At half past 9, and during one quarter of an hour, the whole heavens, except a small section in the south near the horizon, were almost like an unbroken sheet of flame, shooting from all quarters towards the zenith, where, at times, it was seen in the form of distinct rays of light, meeting in a point. In the south, the coruscations rose as it were from a line in the form of a bow, whose highest part was situated exactly in a south direction and elevated at an angle of about 30° with the horizon. At 10 o'clock it had nearly disappeared in the south, but con-

* All the observations of the A. B. at Albany, were made by Professor Ten Eyck, of the Albany Academy.

tinued bright in the N. and N. W.—St. Lawrence. Very brilliant and beautiful. At about 25 min. past 9 an arch of light, nearly unbroken, extended from the western quite to the eastern horizon. The altitude of the highest part of the arch was about 41° , and very nearly on the meridian. At 35 past 9, the arch had quite disappeared and streams of light were seen shooting from nearly every point of the horizon, from the northwest to the east, directly towards the zenith, and nearly reaching it. During more than 15 minutes, the light was sufficiently brilliant to enable a person to observe the time by his watch with perfect distinctness. At 10 o'clock nothing but a faint glimmering light was to be seen in the west. The color of the light somewhat varied from white to yellowish.—Cazenovia. The aurora borealis began to be distinctly visible this evening at half past 8 o'clock, and although at times somewhat obscured by clouds lying in the northern horizon, at 9, its appearance was strikingly marked and beautiful. From the whole northern horizon, extending nearly to the west, columns of light, exhibiting very distinctly many of the prismatic colors, arose from the horizon, and sent forth flashes and streams of colored light, extending to the zenith. From this point, parallel arches or belts, ranging in an easterly and westerly direction, seemed to concentrate the rays of light as they flashed up, and from the belts quick and repeated flashes of pale red light passed alternately, very much resembling the heat lightning of a summer evening. This brilliant display, so strikingly different from any appearance of the aurora which had ever been observed here before, continued till a quarter before 10 o'clock. At this time, the whole northern part of the hemisphere changed its appearance, and presented a beautiful glow of soft mellow light, very uniformly diffused. At a few minutes past 10 the whole appeared as if agitated with a strong wind, and with flashes intermingled in every form, was moving upwards with inconceivable rapidity, presenting an appearance somewhat resembling the letting off of steam from the highly charged boiler of a steam engine, but covering the whole face of the heavens in the north, and extending beyond the zenith into the south, appearing to descend within about forty-five degrees of the horizon. At 11, the appearance was again changed to the columnar forms, but the number of columns was much increased, and the light so strong and steady as to throw shadows, defined with as much distinctness as from the light of the moon in her quadratures. At 12 o'clock, the flashes still continued with little diminution.—Utica.

May 18, at Johnstown, Lowville, North-Salem.

June 14, at Hartwick, Johnstown, at 11 P. M. Albany.

June 29, at 10 P. M. at Cherry-Valley, very brilliant.

July 10. Very brilliant from 9 P. M. to 1 A. M. of 11th. A large part of the northern hemisphere was illuminated, and streams occasionally shot up to the zenith. Cherry-Valley. Noticed also at Canajoharie, Hartwick, Auburn, Cortland, Hudson, Johnstown, Kinderhook, Lansingburgh, Middlebury, Pompey, Cazenovia, Oysterbay. Very brilliant at 10 P. M. in the northeast, and from a bright yellow changed gradually to a fine light green in the north. Several auroral spots at the same time near the north star, and two radii in the east, one of which shot almost to the zenith, in color varying from a light yellow to a deep blue; lasted about thirty minutes.—Erasmus-Hall. Very brilliant; one beautiful shaft shot up directly in the east, rising about 80° above the horizon, and spreading out at the top in the form of a fan, uncommonly brilliant.—Ithaca. Very brilliant at Albany. Seen from 8 to half past 10 P. M.—Montgomery. It commenced at 10 minutes before 9; a bright light appearing above a dark cloud lying in the horizon, was soon deepened and extended by pillars or columns shooting up from different parts and reaching to a very great height. All, however, appeared to point in the direction of the magnetic meridian. At half past 11, these pillars, which were rising and disappearing in rapid succession, formed several arches or belts, terminating near the western horizon, and extending across the milky-way. These arches were soon broken and formed into small stripes, parallel and in an oblique position. The whole display was principally columnar, reflecting a pretty strong light, and assuming forms very similar to several that have been observed in this place for a few years past. It grew fainter soon after midnight.—Utica. Very brilliant, extending nearly to the zenith.—Lowville. At about 45 minutes past 9 P. M., during a bright exhibition of the aurora borealis, a streak of light began to appear, beginning due east about 20° above the horizon, and passing a few degrees south of a west course to about 10 degrees west of the meridian. It was about 2° in breadth, and increased in brightness for 20 minutes, when it began to fade, and disappeared at 15 minutes past 10. When at its greatest brightness, its edges were very distinctly defined. It crossed the *via lactea*, which was then about 40° above the horizon, at nearly right angles, and was at least seven-fold as bright. It reappeared a few minutes past 12 at midnight, with its former lustre, extending from the horizon in the west to

about 40° in altitude, and somewhat broader than before.—Newburgh.

July 12, at Cherry-Valley, Johnstown.

July 12, at Cortland.

August 1, at Albany.

August 6, at Pompey.

August 15, at Bridgewater.

September 1, at Kinderhook, Albany, Franklin.

September 2, at Clinton.

September 5. At 8.40 minutes P. M. a luminous bow, about 5° in breadth, extending from the northeastern to the northwestern horizon, the most elevated part being $31^{\circ}30'$ above the northern horizon.—Albany. Very brilliant at 8 P. M. A luminous arch, 10 or 15° in breadth, spanning the northern part of the heavens, and elevated at its summit about 40° or near to the pole star, while within and above it, the deep azure of the heavens was not obscured by a single cloud, and no vertical streams of light were seen: At 9 P. M. all had vanished, but a few faint streaks. At 10, another larger and less brilliant arch appeared.—Cherry-Valley. Brilliant at Erasmus-Hall. Seen also at Middlebury, Franklin, Palmyra, Pompey. The aurora borealis exhibited a columnar appearance, light strong, and the rays prismatic.—Utica. Very brilliant, corruscations shooting up beautifully.—North-Salem.

September 6, at Auburn, Johnstown, Utica.

September 7, at Johnstown.

September 10, at Montgomery.

September 13, at Cazenovia.

September 22, at Cazenovia.

September 23, at Utica.

September 25, at Johnstown.

October 4, at Hartwick.

October 5, at Franklin.

October 6, at Cazenovia.

October 13, at Johnstown, Utica.

October 14, at Cherry-Valley, Auburn, Middlebury, Albany, Utica.

October 16, at Cherry-Valley.


November 3. Splendid. The quantity of luminous matter, if the expression may be allowed, which was thrown into the heavens was unusually great; exhibiting the appearance of fleecy clouds disposed in layers and arches, at first lying several degrees above the northern horizon, then rapidly rising in the centre, passing beyond the zenith, sometimes continuous, at other times broken, but the belts broad, dense and well defined. At 11 o'clock the belts had mostly disappeared, and the appearance columnar. The light unusually strong and the flashes brilliant.—Utica. Very brilliant in

successive flashes to the zenith, and thus a space of about 30° was kept in a continual glow.—Lowville. At St. Lawrence. From 8 to 11 P. M., extending about 8° each way from the north star.—Montgomery.

December 29. Very brilliant, Utica.

December 30, at Johnstown, Middlebury.

N. B. The appearance of the aurora borealis which attracted the greatest attention in Great Britain during the last year, occurred on March 21, Sept. 17 and Oct. 12. It does not seem to have been noticed on either of these days in this State.

 The phenomena of the Aurora Borealis are universally acknowledged to be deserving of more minute investigation. To facilitate this desirable object, the following paper, circulated by the "*British Association for the Advancement of Science*," is here republished. The observers are respectfully solicited to take it as a guide.

INSTRUCTIONS FOR OBSERVERS OF THE AURORA BOREALIS.

Notwithstanding the attention which has been paid to the phenomena of the aurora borealis, and the various hypotheses which have been imagined to explain them, it will be found that there is a want of information on the points which are most necessary as bases of induction; and the British Association have therefore been induced to appoint a committee, in the express view of directing observers to the really important features of this meteor, and of obtaining by a system of cotemporaneous observation, data which experience shews cannot be derived from insulated exertion.

Height of the Aurora Borealis.—The most important question respecting auroral phenomena, is their elevation above the earth's surface; and certainly (considering the easy process by which it may be determined,) it must excite surprise to find, that while some observers assign to them a height of from 100 to 200 miles, others reduce it to 2, 3, or even less. Of the former, Dr. Dalton and Mr. Potter are the most distinguished; of the latter, Mr. Farquharson of Aberdeenshire; while many have been unable to form any decided conclusion. Yet these different determinations lead obviously to as different theories of the aurora; if the first be admitted, it can scarcely be an atmospheric phenomenon, as, *if air exist at that height*, its attenuation must be so great as to make its influence insensible, while the second would place it in the ordinary region of clouds. It is, however, possible that both may be correct, and that electrified clouds may assume luminous appearances in the lower regions of the atmosphere, (see Report on Meteorology in the last volume of the British Association Reports, p. 255,) while a far greater height and different origin must be attributed to those faint nebulous bands, which are less frequently seen

traversing the sky in a direction nearly at right angles to the magnetic meridian, appearing in the N. W. and (when they move,) drifting to the S. E. with a slow regular motion. If one arch be visible at two distant places, as, for example, Edinburgh and Manchester, even without calculation we know that its height is very great; but it is asserted, that different observers are, in this case, observing different arches; on the other hand, it is replied, that if this were so, the intermediate arches must be visible, while, in the memorable instances of March 29, 1826, described by Dr. Dalton, and September 29, 1828, observed by Mr. Davies Gilbert, Captain Kater, Mr. Harvey, &c. one only was seen in the sky. By the establishment of numerous stations, the committee hope to obtain a decisive answer to this important question.

Sound of the Aurora Borealis.—It has been stated, that a sound accompanies brilliant displays of aurora, especially in high latitudes; but here also, the evidence is of the most contradictory kind. In this country we can scarcely expect to resolve the doubt, as, except when the meteor is in our zenith, its distance is too great, on any hypothesis of its elevation, to allow a weak noise to be audible. It is, however, possible that this notice may reach observers more favorably situated. To obviate the influence of imagination, which has been supposed to be the principal agent in this observation, it may be mentioned, that, even where the meteor is but one or two miles distant, five or ten seconds must elapse between the coruscation and the sound supposed to be produced by it. Most writers, however, speak of them as contemporaneous. If the height of the aurora exceed a few miles, sound can neither be excited in, nor transmitted by, attenuated air.

Periods of the Aurora Borealis.—Another object for inquiry, is the existence of recurring periods of frequency and brilliancy in the aurora. About fifty years since, its appearances were numerous and splendid; thirty years later they became more rare, till at length they were almost unseen in any part of Britain. This was particularly remarked in the Shetland Islands, where the inhabitants complained of the loss of this "useful light," and the necessity of substituting artificial illumination for ordinary farming purposes! Since that time the aurora has reappeared, and perhaps in 1829 and 1830 may have reached a new maximum. It would be important to know, whether similar changes have been noticed in America, and other parts of the globe.

Effect of the Aurora Borealis on the Magnetic Needle.—An opinion, founded probably on the resemblance between some electric phenomena and the aurora, that this meteor exerts an influence on the magnetic needle, has long prevailed. This seems to be established by the numerous experiments of M. Arago, Mr. Christie, and Sir John Franklin: but is opposed by the failure of Sir Edward Parry and others to detect such an effect. It is therefore a question, under what circumstances the needle is affected by it. Mr. Farquharson (who considers the fact as unquestionable,) is disposed to think it a necessary condition to its occurrence, that the streamers should reach the plane of the magnetic dip, that is, in Britain,

HALOES, &c.

- January 3. Lunar halo.—Union-Hall.
 January 7. Circle round the moon.—Erasmus-Hall.
 January 15. A large and brilliant halo round the sun.—Cazenovia.
 February 16. Circle round the sun from 11 to 1 o'clock.—Cortland.
 February 25. Halo round the sun, and two beautiful parhelia.—Cazenovia.
 February 28. Halo round the moon.—Kinderhook.
 March 5. Halo round the sun.—Cazenovia.
 March 27. Circle round the moon.—Union-Hall.
 March 28. Lunar halo, very large.—Cazenovia, Onondaga.
 April 10. Bright halo round the sun.—St. Lawrence.
 May 24. Lunar halo.—Kinderhook, Pompey, Cazenovia, Utica.
 August 25. Solar halo.—Cazenovia.
 September 7. A bright halo round the sun at 1 P. M.; within the main circle two others appeared, connected like a chain, and inclining towards the east.—North-Salem.
 September 26. Lunar halo.—Albany.
 October 25. Lunar halo.—Pompey.
 November 28. Lunar halo.—Pompey.
 December 14. Solar halo.—Cazenovia.
 December 15. Solar halo.—Cazenovia, Pompey.
 December 30. Lunar halo.—Johnstown.

METEORS, &c.

- May 1. Meteor seen at 10 P. M. in the southwest; passed to northeast; observed by Mr. H. Webster.—Albany.
 May 24. Shooting stars noticed at Kinderhook.
 June 27. A meteor of uncommon size and brilliancy appeared this evening in the western heavens.—Bridgewater.
 August 9. A bright meteor, apparently of three or four inches in diameter, and throwing a strong flash of light, passed over this city at 25 minutes before 10 P. M. in a direction from northwest to southeast. It appeared to be very high, and a slight report followed in a few minutes after the flash.—Utica.
 August 26. A brilliant meteor descending towards the north fell in the vicinity of the village.—Kinderhook.
 November 11. Phosphorescent lights observable this evening on the tops of sticks, posts, and other pointed substances, some as large as the flame of a candle, having a dim white light, pointing upwards. The atmosphere appeared unusually red.—Bridgewater.
 November 13. Almost all the observers mention the splendid phenomenon of the SHOOTING STARS, which was noticed

by various individuals in every part of the United States. But few however appear to have themselves witnessed it. A few descriptions are selected:— This morning at half past 4, the stars shining uncommonly bright, my attention was arrested by seeing several small meteors pass by the window in rapid succession; my first thought was, that a few of these had succeeded each other rather rapidly, but that this was the whole train. Soon, however, larger ones appeared in greater numbers, and I began to fear that some house in the vicinity was on fire; but I found that they evidently descended from the air, and was astonished at their number and intense brilliancy. They came for the most part from the south east and went towards the northwest, descending at an angle of about 45° . They were not confined to any particular part of the heavens; on all sides they appeared to be equally abundant. They continued to fall till daylight chased away these fanciful illuminations. Many saw the splendid phenomenon; some admired, others were alarmed, at the strange appearance of the heavens.—Kinderhook. On the morning of the 13th of November, a meteoric appearance was seen in this city of which it is impossible to give an adequate description. It was called a shower of shooting stars. It was a sublime and impressive phenomenon. The whole heavens appeared illuminated with sky rockets, apparently proceeding from a point considerably southeast of our zenith. The meteors of all sizes, as numerous as the stars, were seen flying in all directions from the point of explosion towards the earth, some proceeding perpendicularly, others in parabolic curves; but few seemed to make a continuous line. Their tracks were generally broken and interrupted. The light from some of the meteors much greater than from others, but generally of a pale white. All, however, were so blended and diversified in their paths of descent, that it was very difficult to trace them with much distinctness, and certainly impossible to describe the whole scene. It continued till rendered invisible by the light of the morning. No crackling or hissing noise was heard, although particular attention was paid to the subject. Utica. On the morning of the 13th Nov. a very singular and splendid phenomenon was witnessed by several persons in this village. For several hours before the dawn, a countless number of meteors were seen to fall from a certain point in the heavens, as nearly as could be judged about 15° east of the zenith. They were of different degrees of brilliancy, some almost equalling a flash of lightning. They all

seemed to move with equal and uniform velocity, left behind them a vivid train of light, were of various sizes, generally appearing as large as the planet Venus, and descended at right angles to the horizon. Those that moved west of course passing through the zenith, continued to be distinctly visible till near sunrise. They were so numerous, that hundreds, if not thousands, might be seen at one time, and though their paths all diverged from the fore mentioned central point, they began at every degree of elevation, and very few described the whole arc of 90° . The weather cold and the sky generally clear.—Middlebury. On the morning of this day (Nov. 13,) was seen a most singular and wonderful phenomenon. About one or two clock A. M. commenced a most brilliant shower of meteors or shooting stars, which continued till after the dawn of day. They all appeared to proceed from near the zenith, and to fall towards the earth in every quarter, but most numerous in the west, where their direction was a little inclining towards the north. They were apparently as numerous as the stars; some so bright as to make the rooms of houses quite as light as moonlight. Some left trails of light in the sky some seconds after their appearance. Sometimes thousands seemed to be falling at the same instant. The sky was clear but without moonlight. The scene was one that can never be forgotten by those who saw it. It was probably an electrical phenomenon. What increases this probability is, that on the preceding day little or no electricity could be gathered, whereas on the next day it was very abundant, so that a few turnings of the electrical machine produced enough to give a considerable shock, which seems to indicate that the phenomenon was caused by the communication of electrical fluid from the upper regions of the atmosphere to the earth.—Newburgh.

December 22. About 9 P. M. a splendid meteor appeared about 10° west of the polar star, and almost at the same altitude, directing its course in a straight line perpendicular to the horizon, leaving a broad train of light after it. The whole was visible about 45 seconds.—Oysterbay.

WEATHER, &c.

January 19. This was probably the most extensively cold day during the year 1833. The intensity will be seen by referring to the minima in the abstract for the month of January. The thermometer stood at
—28 in Montreal,
—28 at Lowville,

- 23 at Gouverneur,
- 23 at Hamilton,
- 24 at Potsdam,
- 6 at Albany,
- 5 at Hudson,
- 9 at Kinderhook, &c.

April 11. Very high south wind. This appears to have extended to Ohio, where, in the vicinity of Springfield, there was a hurricane, throwing down houses, trees, &c. Its extent there was about eight miles.—Albany.

April 20. The following article, under this date, appeared in our newspapers, as copied from a journal published at Smyrna, in Asia.

The past winter has presented the most singular variations in the weather. In the north of Europe, scarcely any cold weather was experienced. In Denmark, the larks were heard to sing in the beginning of the month of February. In the north part of Russia, the season has been very mild. In the central part of Europe but little cold has been experienced, and in many places no snow has been seen. On the other hand, all the excessive severity seems to have passed to the south of Europe and the centre of Asia. In European Turkey, the cold has prevailed to a degree hitherto unknown in that latitude. In Odessa, it has been continual, principally towards the Levant and Asiatic Turkey, where it has been more severe than was ever known in those countries. At Taffis and Erivan, where winter is only known by name, and where, in the month of January, roses are usually in blossom, the thermometer of Reaumur fell to 30°, a temperature extraordinary even in northern Europe. At Constantinople, the two last weeks in January presented surprising variations of temperature. From the 15th to the 25th, enormous quantities of snow fell, accompanied with a constant freezing north wind, and a degree of cold exceeding even the severe winter of 1812. For several days travelling was interrupted by mountains of snow, which blocked up the streets, and by the extreme severity of the weather. But all at once an early spring succeeded; the cold disappeared as if by enchantment; the snow melted in two days, and the south wind and bright sun produced a degree of warmth which is rarely felt in the month of April. But the cold weather again set in, and in the latter part of March and the beginning of April it was very severe. At Smyrna, so severe and long continued cold as has been experienced during the present year was never before known. For several days the ri-

vers and streams were frozen for many miles round, so as to admit of people skating on them, and on the 11th of April there was a fall of snow in the city.

May 11, 12, 13, 14. On these days there was very heavy fall of rain, extending over the middle, northern and western parts of the State. It amounted at

Albany, to.....	3.98
Cherry-Valley,.....	4.61
Cambridge,.....	5.95
Canandaigua,.....	4.81
Cayuga,.....	4.75
Delaware,.....	4.57
Gouverneur,.....	3.41
Hartwick,.....	6.25
Middlebury,.....	4.32
Lansingburgh,.....	3.95
Johnstown,.....	6.02
Hudson,.....	3.00
Lewiston,.....	1.73
Redhook,.....	3.42
Rochester,.....	4.06
Onondaga,.....	4.06
Pompey,.....	3.66
Cazenovia,.....	3.58
Springville,.....	4.03
Lowville,.....	6.40
North-Salem,.....	1.37
Auburn,.....	2.95
Bridgewater,.....	4.19
Buffalo,.....	3.72
Canajoharie,.....	4.32
Hamilton,.....	3.07
Kinderhook,.....	2.95
Oxford,.....	5.00
Utica,.....	3.39

At Albany, the pier was from 8 to 12 feet under water. Many streams overflowed and carried off houses, mills, bridges, &c. This was particularly the case with the Great and Little Au Sable and Saranac, and the Black. The Clyde rose from 10 to 12 feet above low water mark at Lyons, (Wayne county). At Glen's-Falls the Hudson was higher than it has been known to be in thirty-five years.

The Delaware at Easton (Pennsylvania,) rose 19 feet, and the Connecticut was 17 feet above low water mark.

- June 26. Rain, with slight hail, at half past 7 P. M. on the hill. No rain, and the ground dry, near General Van Rensselaer's, in the north part of the city.—Albany.
- July 14. A very severe and extensive thunder storm this afternoon; one commenced at 2 P. M., wind south; a se-

cond one at 3 P. M.—Albany. Commenced at half past 2, and struck in several places.—Hudson.—Struck also at Johnstown, Nassau and Catskill;—Killed eight sheep at North-Salem. Struck also at Kingston. Continued from 2 to half past 3, and killed a man within a few miles. 1.72 inch of rain fell. Kinderhook. Struck the church at Montgomery, Orange county. Very severe at New-York and Brooklyn between 3 and 4 P. M. Accompanied with very large hail at Cooperstown. Continued violently from 1 to 4 P. M. at Cherry-Valley. Commenced at noon at Hartwick.

August 4. Terrific thunder storm.—St. Lawrence.

August 21. Snow in North-Carolina, immediately after a hail storm.—*Milton N. C. Spectator*.

August 29. Severe storm of rain, thunder and hail at Albany, 12 A. M. A similar one at New-York at 3 P. M., wind north.

December 17. Very violent gale of wind at New-York.

December. During this month, 41 inches of snow have fallen.—Bridgewater.

RIVER HUDSON.

January 1, 1833. River open; January 17, closed; March 21, open; Dec. 13, closed.—Lansingburgh.

January 3. River open; January 5, steam-boat Constitution arrived; January 11, closed; March 21, open; March 24, first steam-boat arrived; Dec. 13, closed.—Albany.

January 3. River open; January 11, closed; March 21, open; December 11, closed, but during the latter end of the month crossed by keeping a track open.—Hudson.

February 2. River closed; March 20, open; December 31, river still open.—Poughkeepsie.

March 21. River open.—Redhook.

February 2. River closed; March 17, open.—Newburgh.

LAKE LINCKLEAN.

April 5. Ice out of the lake; Dec. 12, lake closed.—Cazenovia.

GREAT WESTERN CANAL.

April 21. Canal navigation opened; December 11, canal navigation closed.—Utica.

RIVER MOHAWK.

River closed Dec. 13.—Utica.

TEMPERATURE OF WELLS.

January 13. Temperature of water in wells 47° ; of air, 9 feet below the surface, 45° .—Onondaga.

MINERALOGY.

With regard to a mineralogical report, I regret that owing to sickness in my family, I am only able to furnish a few additional notices.

Black Augite is found in this place in abundance, but chiefly amorphous.

Green augite likewise, of the same description and at the same location.

About four miles from Peekskill village stands, by the side of the road, a large stone, weighing, I should judge, about one and a half tons, which consists of bisulphuret, sulphuret of iron and crystallized green augite in six sided prisms.

In the lime-stone quarry, about two miles west of the academy, I found an abundance of laminated calcareous spar in acute rhomboids, both translucent and transparent. The latter is beautiful. At the same place were found both fuller's earth and talc. The latter is also found in abundance in front of the academy by the side of the Titlicus. About one and a half miles east of the academy, in the lot of Mr. Keeler, are found at one place, where it is said the Indians dug for gold, combined in lumps, rock crystal, hornblend and quartz crystals, black tourmaline, felspar and beryl. The tourmaline is in three sided prisms. The beryl is in six sided prisms.

About one mile southwest from the academy, on the farm of Mr. Samuel Reynolds, is found sulphuret of molybdena. It resembles black lead very much, but it is easily distinguished from it by its metallic lustre.

About the lots, almost every where, may be found fibrous red oxide of iron, in small pieces, perhaps from a pound to an ounce.

About one and a half miles southeast from the academy, in the garden of Mr. Morgan Miller, were found beautiful specimens of chlorite of a granular character, with delicate crystals of schorl, appearing like a bundle of roots at one end, as if fastened, and the other opening like a fan.

On the road to Patterson, ten miles from this place, in the town of Southeast, is an abundance of fibrous tremolite.

At Wilton, about fourteen miles east from this place, in the neighborhood of Mr. Aaron Jelliff, is found an ore of Galena.

A few miles still east from the latter place are found garnets in great abundance, but chiefly opaque. The location is called Devil's Den. They are dodecahedrons.—North-Salem.

RESPECTIVE PLACES.

AL REMARKS.

main extending back to the Mohawk.
the lake, and 250 above the canal at Port-Byron.

25 feet above the surface of the lake.
waters of the Susquehannah from those of the Mohawk.

western extremity of Long-Island.
above the canal at Herkimer.

6 feet.
On the southeast the highlands of Chautauque are distant 7 miles.

Utica.
r.
river.

of the water.
river.
de.

level of the river.
ated to be from 200 to 300 feet above the canal at Rochester.

, and about 170 feet above the level of the sea.
the surface of the river.

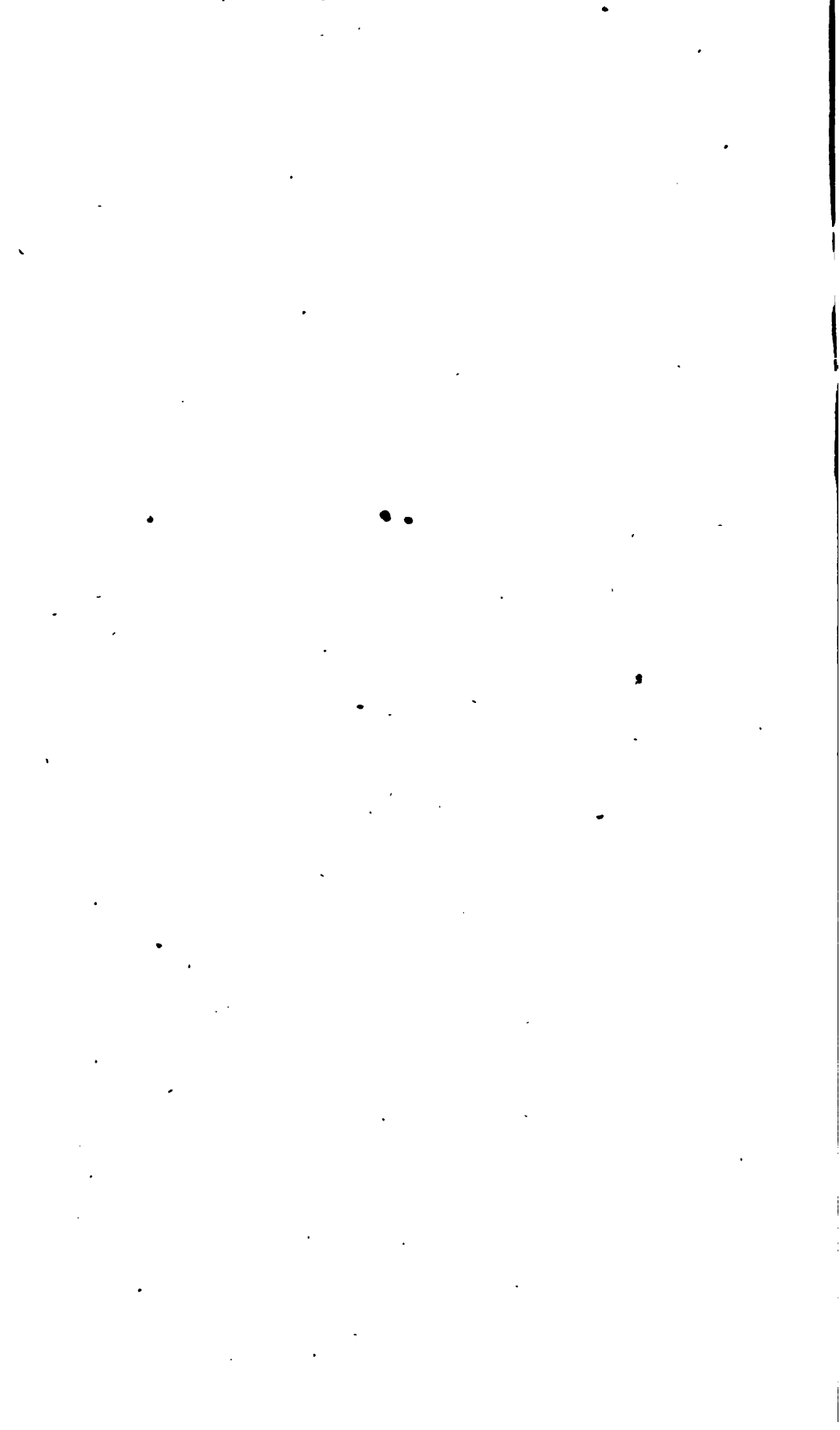
et above the canal at Salina.

observation 48 feet above the canal.

Utica.

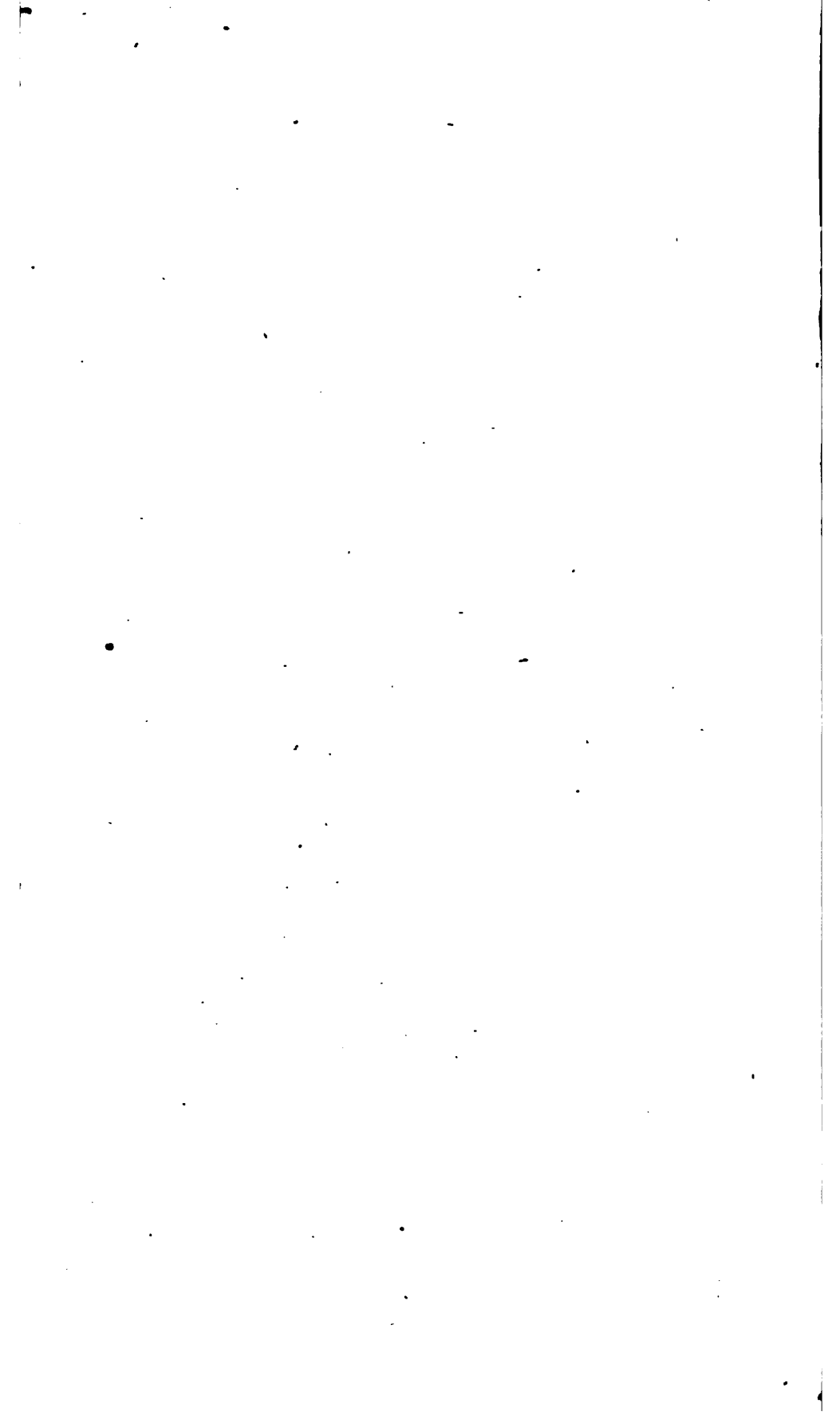
been made in several instances in conformity to them. The longi-

[Senate No. 83.]



ERRATUM.

In the table entitled "Comparative View of the Average or Mean Temperature," &c., a slight mistake has been discovered relative to the mean temperature of Kingston, for 1833; this should be, as stated in the tables for 1833, $51^{\circ}40'$, and the average temperature accordingly is $50^{\circ}57'$.



IN SENATE,

March 4, 1834.

COMMUNICATION

From A. S. Blackman and others, of Port-Schuyler, Albany county, with a proposition to erect a prison for, and to employ the female convicts of this State.

Whereas, Wm. Crabtree has made certain proposals to the honorable the Legislature of the State of New-York, now in session, to employ the female convicts, provided a suitable prison and workshop be built, and located at the village of Port-Schuyler.

Now therefore, we, the subscribers, together with the said Crabtree, do jointly and severally agree to become responsible to said Legislature or their agents, for the due execution of such other proposals as are hereunto annexed, provided they are acceded to on the part of the State, during the present session of the Legislature.

1. The land for prison, yard, &c, will be given free and clear of all incumbrances, by the Port-Schuyler company.

2. We agree to furnish materials, and build a prison, workshop, yard, &c., complete, as described and shown by the drawing and specification hereunto annexed, for the sum of twenty three thousand dollars.

3. We agree to employ all the able bodied convicts that may be confined in said prison, at the price stipulated by Mr. Crabtree in his proposition, (*viz*, one dollar per week,) for a term of ten years.

A. S. BLACKMAN,
EDWARD LEARNED,
JOHN L. WILKINSON,
JOSEPH HAYWARD,
ENOCH BURROWS,
JABEZ BURROWS.

Specification to accompany a plan of a Female State Prison.

Exterior wall 673 feet 4 inches, lineal measure. Trench 3 feet wide, 2½ feet deep, filled 2 feet deep with cobble stone, covered 3 feet wide with 6 inch flaggs. Wall 2 feet 6 inches thick at base, 1 foot 6 inches thick at the top, 15 feet high, coped with cut stone 2 feet wide; 6 inches thick in centre and 4 inches thick at the outer edges, 3 feet pilasters at the corner of the wall and at the point where they unite with the building, commencing flush with the base of the wall, and carried perpendicular to top of do. of good cut stone. Also a gateway with cut stone jambs and arch, 9 feet wide and 10 feet high in centre, with a substantial iron gate. The wall to be built of good dry wacke stone, the outsides to be laid in hydraulic cement, 6 inches, the interior grouted with good lime and sand.

Main building.—The cellar 30 feet by 40 feet, 6½ feet deep, wall laid with good stone in mortar 2 feet thick. Wheel pit 25 by 30 feet, 16 feet deep. Wall laid as above, 3 feet thick. Exterior trenches 318 feet lineal, 2 feet 6 inches deep, and 2 feet 6 inches wide, filled two feet deep with cobble stone, flagged with stone 6 inches thick and 2 feet 6 inches wide. Stone wall under water table 2 feet wide and one foot 6 inches high. Trenches for partition walls 76 feet lineal, same depth and finish as above. Trench for cells 60 feet long, 16 feet wide, 2 feet deep, filled with cobble stone. Stone masonry, 1 foot 8 inches to bottom of flagging of cells; 716 feet 4 inches lineal, of cut stone water table, door and window sills. Outside wall 1 foot 4 inches thick, cross wall 1 foot; partition walls in matron apartment, 8 inches. Ends and centre wall of cells 1 foot thick. Division walls 8 inches thick; all 21 feet in height. Gables 1 foot thick, all of good brick laid in mortar. 2480 superficial feet of brick pavement around cells. Cells 3 feet wide, 6 feet 6 inches long, 6 feet 6 inches high in clear, covered top and bottom with 6 inch flaggs. Doors and frames of wrought or cast iron, secured by bolts and nuts passing through the partition. The prison windows to be grated, each with two upright bars, equi-distant from the sides of the windows and each other, with four cross or horizontal bars, two of them placed near the extremities of the upright, the other two equi-distant through-out; the whole of iron, 1½ inch by ½, and firmly united at each intersection, the horizontal bars laid firmly in the wall. The kitchen, dining-room, chapel, hospital and sleeping rooms, with the passage ways leading to them, to be plastered with two good coats of lime mortar; the two front parlors and front hall to be hard finish

walls, and wash room and wood house to be built of brick, with 9 inch wall 9 feet in height, with a chimney and oven in wash room. The privys to be of brick, the walls 8 feet high and 8 inches thick, with a vault under each 6 feet deep, and walled up with stone laid dry 16 inches in thickness; the small privy plastered inside. The raceway to be excavated sloping 18 feet deep, and an arch of 6 feet diameter turned on walls two feet 6 inches high and two feet 6 inches thick, on a bottom of thick plank and timber; the water taken from the canal in a round wooden trunk of 3 feet diameter, and carried to a floom 4 feet wide, 12 feet long and four feet deep; the water wheel to be of wood, 14 feet in diameter, with 12 feet buckets and the water overshot; the gearing, drums, and main fixtures all to be properly secured and well executed.

Carpenter and joiner work as follows: The two main floors in factory to be rough and matched, on timbers 3 inches by 12 inches, placed 2 feet from centre to centre, supported by two trimmers running the whole length of the factory of 8 inches by 11 inches, with posts every 10 feet; the roof and attic to be framed with girders, truss-braces, and purline posts, plates and beams; the attic to extend the whole length of the building, and to be two lights high on each side of the roof. All the timbers in the second and third floors of the factory to be dressed up with the plane and the corners chamfered; a flight of stairs in the corner of first and second story, with one outer door in each story at the gable, with an out rigger near the peak: to be 38 windows of 24 lights, 8 by 10 each, with check rails, pullies and weights. The prison windows to be twenty-eight in number, of 18 lights 8 by 10 each, and finished as above. The floor timbers over the prison and throughout the dwelling apartments to be 3 inches by twelve inches, and placed 16 inches from centre to centre; the piazza forming a passage to each cell, to be constructed with posts, platform and hand rail, with stairs leading to each tier, agreeably to the old plan herewith exhibited. The floor in the dwelling part to be of good white pine matched and planed, and all the joiner work to be of good plain finish, except the two front parlors, which are to be finished in good style, with double architraves to doors and windows, &c.; the four doors leading from the prison to be stout and heavy and lined with sheet iron. The front doors to be of good finish, with side and head lights, with a fan window in the gable. All the windows in this part of the building to be of 24 lights 8 by 10, with check rails, pullies and weights; all the doors

to be strongly made and hung, with suitable locks and fastenings. All the principal timbers to be of good white pine, and the stuff generally well seasoned, and all other materials and fixtures to be of good quality. The whole roof to be boarded edge to edge, and shingled with the shingles laying less than one-third to the weather; to be good double tin gutters the whole length at each eave, with suitable conductors leading down to the water table of the building. The wash-room to be floored with 14 inch plank rough matched, with outer and closet doors and two windows, 12 lights 8 by 10, with good plain finish; to be folding doors to the wood house, the roof over both covered with boards and good shingles.

The privies to be floored, to have suitable seats and doors and ventilators; the roof to be shingled, the water to be brought from the eaves into the vault, and carried thence to the mill race. All wood work in the dwelling part and prison to be painted with two good coats, and all window frames and sashes with two coats.

IN SENATE,

March 4, 1834.

MEMORIAL

Of William Crabtree, of Port-Schuyler, in the county of Albany, relative to a State Prison for female convicts.

To the Honorable the Legislature of the State of New-York, in session convened.

The memorial of William Crabtree sheweth, that he has heard with pleasure that your honorable body has in contemplation the erection of a prison for the female convicts in the State of New-York, in connexion with some manufacturing establishment in or near Albany, so that those unhappy persons may be usefully employed in earning their own support.

Deeply impressed with the importance of your laudable design, your memorialist begs to recommend to your notice the location of Port-Schuyler, as combining those essential properties of good water, salubrious air, and a valuable water privilege at your own exclusive disposal.

Your memorialist wishes also to recommend to your attention the worsted business, as one in which many females as well as male convicts may be profitably employed, and a business which, if once introduced into this country, under judicious management, might be gone into to any extent, with every degree of rational probability of profitable results. It is the business by which the town of Bradford in Yorkshire, England, (your memorialist's native town,) has, within the space of twenty years, risen almost to an unparalleled extent of wealth and mercantile importance and at this time there are within the parish of Bradford aforesaid forty worsted factories, (some of them large ones,) in successful opera-

tion, and five more are now building, and probably not less than 15 to 20,000 of the inhabitants employed and supported. Yet strange to tell, the English manufacturer has the exclusive monopoly of the American market, so far as regards circassians, camblets, &c. &c., and is annually draining from hence immense sums of money for these articles, which might be profitably engaged in employing and supporting your own people.

That your memorialist has a partial knowledge of the worsted business, in its various branches, and can produce the most unquestionable certificates of character and qualifications, and begs to submit, for the consideration of your honorable body, the following propositions:

1st. The necessary ground will be given, on which to erect a prison and factory, &c. &c., free of expense to the State, by the Port-Schuyler company.

2d. The State to furnish a building or factory in connexion with the prison, forty feet by sixty, on the ground, and two stories high with a basement for water-wheel, &c.

3d. The State to furnish a small water power in the said building.

4th. Your memorialist, and his associates, propose to employ all the able bodied female convicts, also a number of male convicts, if judged prudent, and pay to the State \$1 per week for each female convict's work, allowing 12 hours per day for labor.

5. The State to have the whole control of the convicts, except in working hours.

Your memorialist earnestly recommends to the consideration of your honorable body the above propositions, as, in the opinion of many, it would be the means of introducing another respectable business into the country, and at the same time giving employment and support to class of persons which at present is a burden to the State, without coming in competition with other mechanical labor, a thing at present so obnoxious to certain classes of the community.

(Signed,)

WILLIAM CRABTREE.

Port-Schuyler, February 21, 1834.

IN SENATE,

March 6, 1834.

REPORT

Of the Surveyor-General, on the petition of the Orchard party of Oneida Indians.

The Surveyor-General, on the petition of the Orchard party of Oneida Indians, referred to him by the honorable the Senate,

RESPECTFULLY REPORTS, AS FOLLOWS:

In 1829 the Legislature, with the view of hastening and facilitating the emigration of the Oneida Indians, passed the act, ch. 29 of that year, authorising the Governor to purchase their lands at a fair price, and pay for them accordingly, with a deduction of incidental expenses. After any such purchase the Commissioners of the Land-Office were to appoint appraisers to ascertain the value of the lands, exclusive of improvements, and also the value of the improvements, specifying in their report the individual Indians to whom they respectively belonged: the amount of such appraisements was then separately paid to such individuals. All the purchases, made since the passing of this act, were in conformity with its provisions. The lands so purchased have been sold by auction, generally for prices considerably advanced. The treaties before that period were conducted with a view to the benefit of the treasury, as far as that could be done consistently with that strict justice which was considered due to the aboriginal occupants of the soil: and the conditions of the sales were adjusted by negotiations, in which a due regard was paid to all cases represented by the chiefs as involving the exclusive rights of individual Indians; but no general provision was stipulated for such cases in the manner directed in the above mentioned act. In several instances the improvements were sold in the aggregate with the soil.

In 1827 the Orchard party, for the purpose of relieving some urgent wants, offered to sell about two hundred acres of their lands, and the purchase was made for a price at the rate of three and a half dollars per acre. It is not recollected by those who negotiated with the Indians on behalf of the State, that any mention was made of improvements on the premises, and the treaty is silent on the subject: the petitioners then have no claim on the justice of the State, and the present application must be considered as addressed to the liberality of the Legislature.

Respectfully submitted.

SIMEON DE WITT, *Surveyor-Gen'l.*

March 6, 1834.

IN SENATE,

March 7, 1834.

LETTER

**From Levi Kidder of New-York, relative to the
Seventh Ward Bank.**

New-York, March 5, 1834.

To the Honorable JOHN TRACY,
President of the Senate.

SIR—

For some reason, to me unknown and inexplicable, "the committee on banks and insurance companies, relative to the Seventh Ward bank, in the city of New-York," did not, at their inquiry "into the practices resorted to for the purpose of procuring the act of incorporation of the Seventh Ward bank in the city of New-York," afford me an opportunity of being heard by them, although fully apprized that my testimony would be of importance to the investigation. I am unwilling to entertain for a moment the idea that said committee could have designedly entered upon an *ex parte* investigation, or that they could have intended, without cause, to wound the honest pride of any one; but I do regard it as an act both oppressive and injurious, when a citizen's character is assailed, and he is stigmatized as one "*who seems to have been induced, by the hope of gain, to bring his influence into open market, and to put his reputation up at auction,*" especially as this most serious charge, this severe censure, is put forth by the high authority of the Senate, to the prejudice of an individual, to whom they gave not the privilege of a hearing, or the chance of vindication, either in person or by counsel. I therefore beg leave to communicate to the honorable the Senate my deposition, relative to the subject of inquiry made by said committee, in order that it may occupy a place with other testimony taken on the subject.

I am very respectfully, &c.

LEVI KIDDE.

New-York, ss.—Levi Kidder, of the city of New-York, being duly sworn, doth depose and say, that he did not in person, neither through the agency of others, directly or indirectly, attempt or practise any means whatever to operate upon the hopes or fears of James Perkins, broker, which could have had any tendency to induce him to contract to furnish Mr. Garret Gilbert with stock in the Seventh Ward bank in the city of New-York: that the deponent never informed Perkins he should oppose the application, neither that he had influence with the Legislature: that he did not draw the instrument or bond given by Perkins to Gilbert: that at the request of one of the parties he copied said bond from a manuscript, and witnessed the execution of the same: that he did understand himself to be interested to the extent of the one-fifth of the benefit to be derived from the fulfilment of said bond: that prior to consenting to become in any manner interested in said contract a member of the Legislature informed deponent that, in his opinion, such an agreement with a broker would be valid, and that there was no impropriety in the transaction: that subsequently to this agreement Perkins told deponent that his employers were well pleased with the contract, and that it would be religiously fulfilled; and farther that he, [Perkins,] would pay the deponent five per cent in advance for deponent's contemplated share of the stock: that the deponent applied for stock at the proper time, and in due form, but received none; and farther the deponent saith not.

LEVI KIDDER.

Sworn to before me, this 5th March, 1834.

GIDEON LEE,

Mayor of the city of New-York.

IN SENATE,

March 3, 1834.

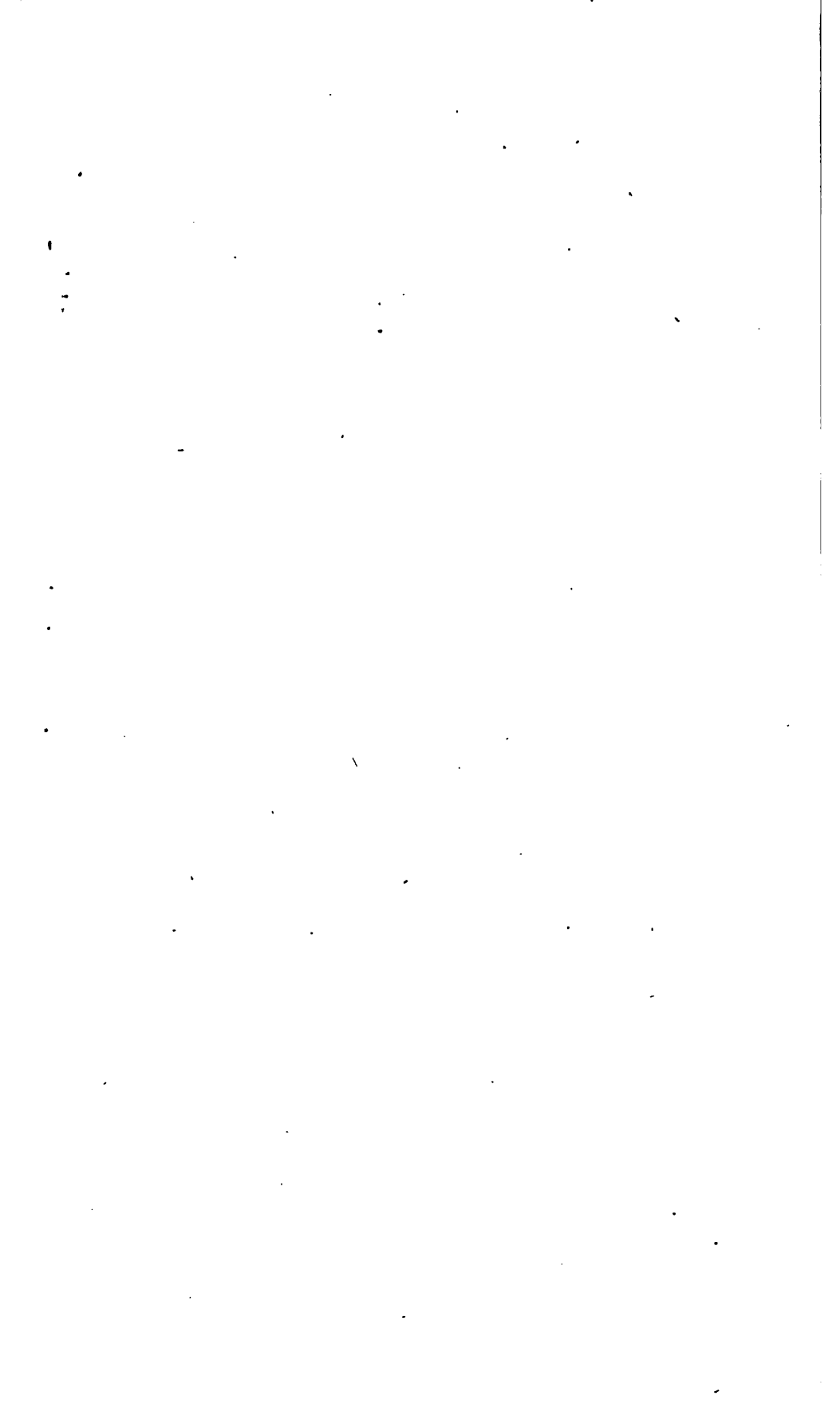
REPORT

Of the committee on finance, on the bill from the Assembly, entitled "An act for the relief of Wiley Nichols."

Mr. Dodge, from the committee on finance, to whom was referred the bill from the Assembly, entitled "An act for the relief of Wiley Nichols,"

REPORTED:

That this bill recognises the principle, that a person who accidentally is wounded or injured while doing ordinary militia duty in this State, is entitled to relief from the Legislature. If carried out in principle and practice, it would fill the State with pensioners; and however hard and unfortunate it may be on the individual sufferers, yet public policy requires that the Legislature should refuse to establish a precedent indirectly, which they would not sanction, and indeed have refused in this very case to sanction directly.



IN SENATE,

March 13, 1834.

REPORT

**Of the committee on the judiciary, on the petition of
Elkanah Watson.**

Mr. Lansing, from the committee on the judiciary, to whom was referred the petition of Elkanah Watson, praying the passage of a law authorising the Comptroller to give a certificate to perfect the title to a certain piece of land,

REPORTED:

That it appears by the petition, that Melancton Wheeler and William McDonald received a deed from the Comptroller of this State in April, 1823, of ninety-five acres of lot 193, of Maule's patent, the same having been sold by the Comptroller at a tax sale; that the petitioner, by sundry mesne conveyances, has become the owner of all the title of the said Melancton and William to said land; that in May, after the execution of the deed by the Comptroller, the said Wheeler handed a notice to one Charles M. Watson, to serve on the occupant of said lot, and that said Charles did serve said notice on the occupant, but has lost said notice, and has no copy of the same; that the petitioner has applied to the Comptroller, on affidavits of these facts, for a certificate, that the amount due upon said lot had not been paid, and thereby perfect his title, which the Comptroller refuses to give, on the ground, as the petition alleges, that the original notice is not produced. The petitioner therefore prays that a law may be passed authorising the Comptroller to give said certificate.

The petitioner refers in the petition to certain papers and documents in the Comptroller's office. By these papers, it appears that there is a contest between the original owners and the petitioner, for the title to the land. The owners claiming the right and pri-
[Senate No. 91.]

vilage of paying the amount due on the lot, and the petitioner wishing to enforce the forfeiture of all right of redemption by force of the statute.

By the law as it existed at the time of such sale, in case any land deeded by the Comptroller, was at the time of the execution of such deed occupied, the purchaser, before his title became perfect, was obliged to serve notice on the occupant, specifying among other things, the amount to be paid by the owner of the land, within six months from the time of service of such notice, in order to redeem said land. In case said amount is not paid within the time, it is made necessary "for the purchaser, or those holding under him, in order to complete his title to any such land, to shew by *due proof*, that the said notice was duly given, and by a certificate from the Comptroller, that the payment required had not been made into the treasury."

In the language of the court, in a case in 7 Wendell, 148, in which this same title came in question: "It is a general rule that the party who sets up a title, must furnish the evidence necessary to support it. If the validity of a deed depends on an act in pais, the party claiming under that deed is as much bound to prove it, as any matter of record on which its validity might depend. It forms a part of his title; it is a link in the chain which is essential to continuity, and which it is incumbent on him to preserve."

It being therefore necessary that the petitioner should have served said notice before his title would be perfect, he must furnish such proof as will enable him to obtain the requisite certificate from the Comptroller. This proof is what the Comptroller has to act upon, and must be made to him; and if he errs in his judgment as to what is the *due proof* required by law, the petitioner does not lose his right. His rights depend on the due construction of the law, and the judicial tribunals of the country are the competent and proper authority to settle its meaning. If the Comptroller's construction is wrong, the committee suppose the supreme court have a right to correct him.

If the courts should decide that the proof offered by the petitioner is not the "*due proof*" required by the statute, the committee can see no reason why the Legislature should interfere. "The object of the Legislature was to raise a revenue with the least possible sacrifice to the citizens. The possessor of real estate is bound

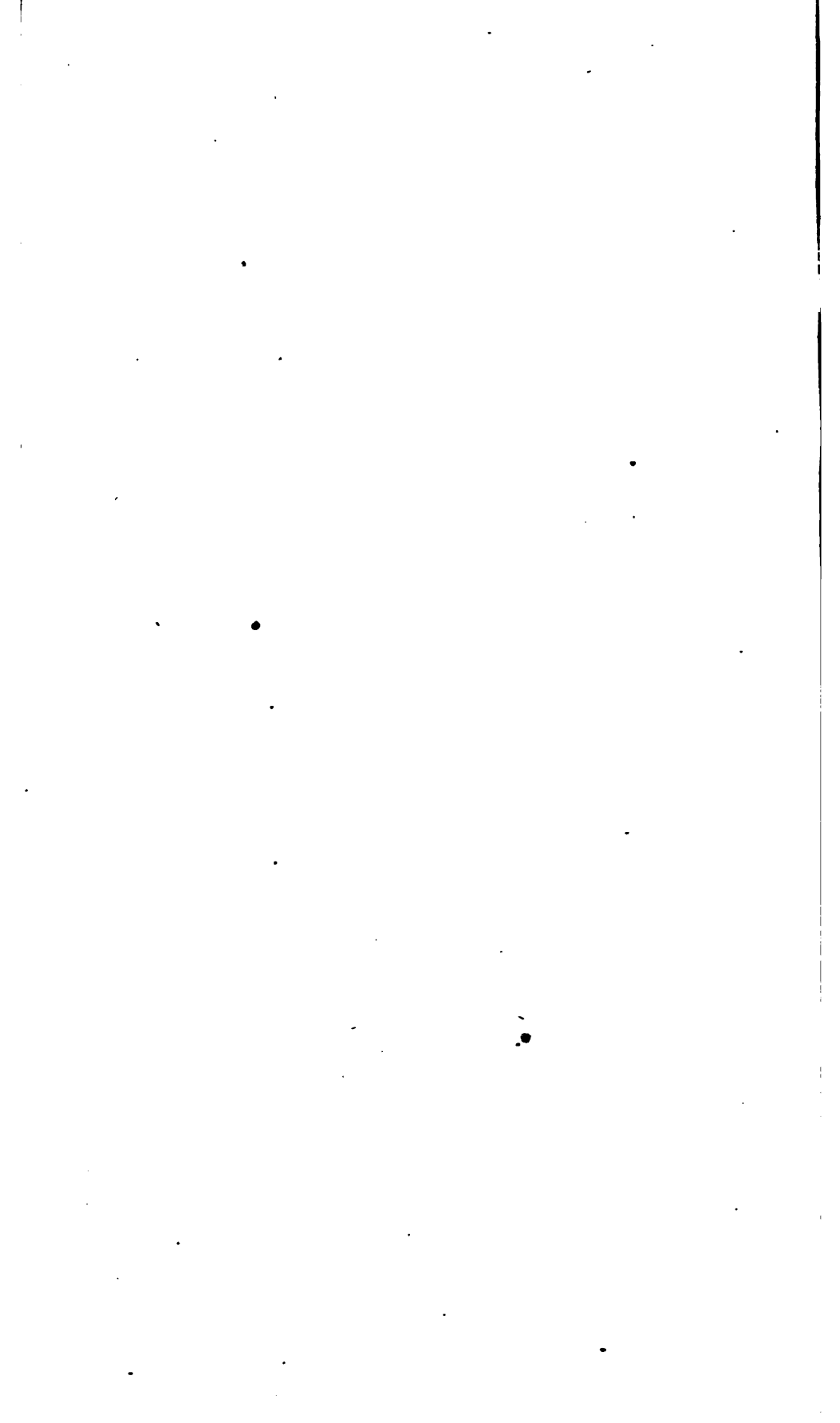
to pay the taxes, and when not possessed, the proceeding must necessarily be against the property. The Legislature presume that it might happen that the property might not be occupied when assessed, and yet be occupied when sold for taxes; and that, by mistakes which might be made by the returning officers, property might be returned as non-resident when in fact it was occupied. They wisely provided, therefore, that the purchaser should ascertain the fact at his peril, and give notice when necessary. The purchaser must, therefore, do every act necessary to perfect his title: he must not only give notice, but he must make proof of that fact, and that fact is the evidence on which the Comptroller is to act in the last instance."

It will be remembered that the law has imposed upon the owner of the lands sold for taxes a severe penalty for this neglect in payment, to wit, the payment of an extraordinary rate of interest. The probable receipt of his interest is the inducement to the purchaser to invest his money at the sale; to which is superadded the prospect of receiving a deed of the property. But the law, anxious to cause the least sacrifice to the citizens, gives them a further opportunity to save their property after it is conveyed, but increasing the amount he must then pay. The committee fully concur in the opinion of the court in the case above cited, that "It is a cardinal principle that a man shall not be divested of his interest in his property but by his own acts or the operation of law; and when proceedings are instituted to change the title to real estate, by operation of law, the requirements of the law under which the proceedings are had must be strictly pursued."

In this case, then, it appears to your committee that no legislation is necessary. If the purchaser has to comply with the requisitions of the law, he must have the enhanced value of his purchase, by reason of the value of the land; if not he will receive the amount he paid, together with the additional sum, by way of interest, that the Legislature had imposed on the owner, for his negligence and default.

Your committee can see no reason why the Legislature should interfere to secure to one individual those advantages accruing from the neglect of another, which he might have deprived himself by his own negligence.

Your committee are, therefore, of opinion that the prayer of the petitioner should be denied.



IN SENATE,

March 14, 1834.

REPORT

**Of the Agent of the Mount-Pleasant State Prison,
relative to the government and discipline of that
prison.**

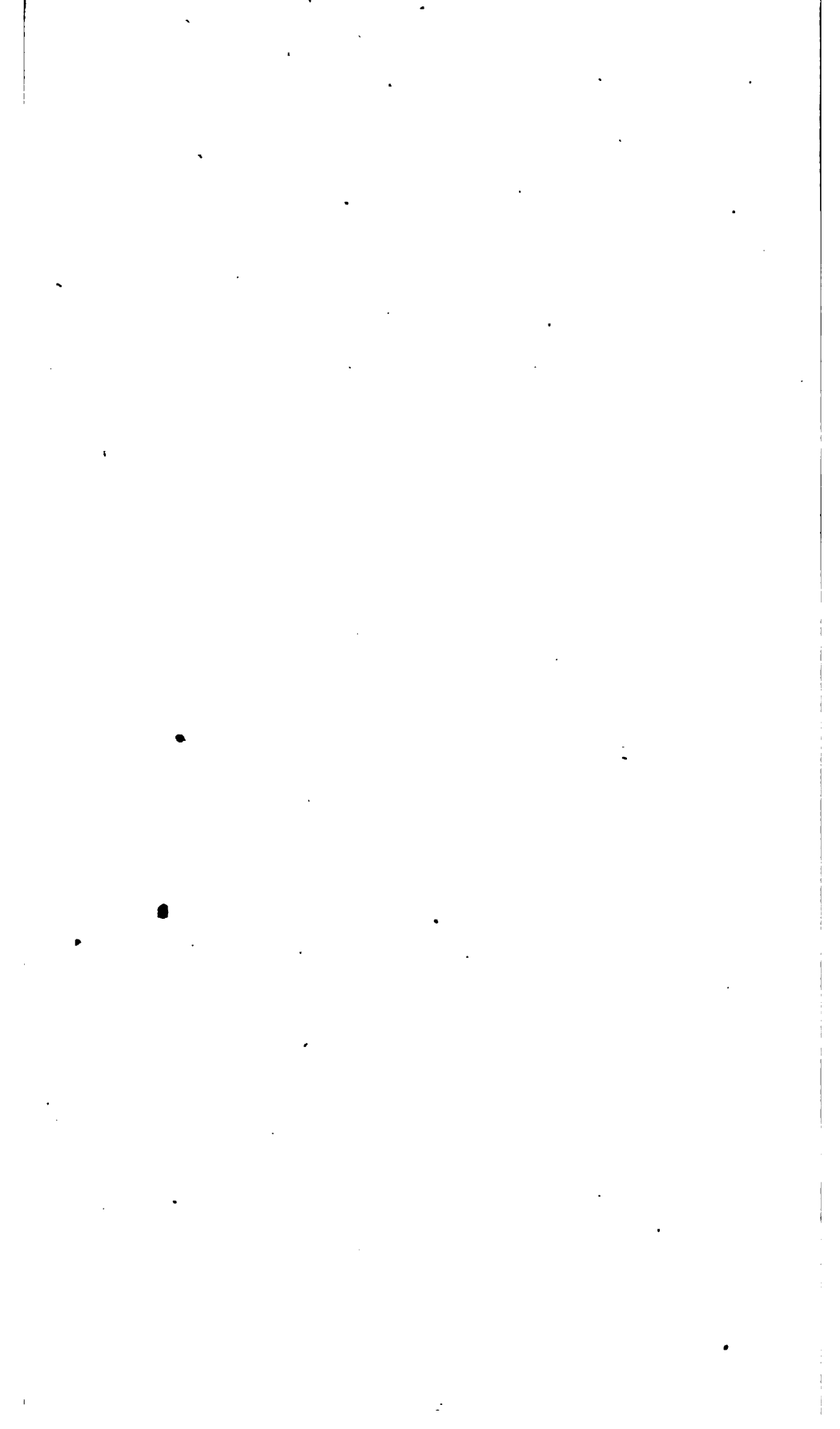
To the Honorable the Legislature of the State of New-York.

The Agent of the Mount-Pleasant State Prison begs leave to submit a report, giving a detailed statement of the government and discipline of that prison, as now in practice, (together with a brief review of the penitentiary system of the United States,) in order that the same may be fully known and understood by the Legislature and the public.

Very respectfully,

ROBERT WILTSE, *Agent.*

Sing-Sing, (N. Y.) March, 1834.



REPORT, &c.

A detailed statement of the government, discipline, &c. of the New-York State Prison at Mount-Pleasant, as now in practice ; together with a brief review of the penitentiary system of the United States, &c. &c.

Early History of our Prisons.

The great importance which the penitentiary system of the United States is acquiring throughout the civilized world, is perhaps unparalleled in the annals of time. Commissioners from various parts of the globe, accredited by their respective governments, have visited and are constantly visiting the different States of the Union, for the purpose of acquiring information in the system of penitentiary government; who speak in the highest terms of approbation of that system of discipline which has been adopted at Auburn and Sing-Sing, and other parts of the United States, and forcibly contrast it with the "bad system of imprisonment," as it exists upon the European continent.

Previous to the year 1786, the different States of this Union were governed by the sanguinary laws which the colonies inherited from their English ancestors; most if not all the crimes which are now punished with imprisonment for life, were then punished with death; and many of the crimes which are now punished with imprisonment for a *term of years*, were then punished with death for the first offence; all felonies above the degree of petit larceny, on the first offence, were punished by fine, imprisonment, or corporeal punishment at the public whipping post, in the pillory, or in the stocks; and for the second offence with death.

The effect of this system was, that a large proportion of the guilty escaped all punishment; jurors would not convict on the ordinary evidences of guilt, and would acquit wherever they could

find the slightest excuse. And even the judges, who were compelled to administer a sanguinary code of laws, against which their feelings of humanity revolted, would, from a defect of form or otherwise, find some excuse to save the life of the prisoner. And when the law and evidence were such that conviction must follow, and there being no other punishment for capital offences but death, the sympathies of community would obtain an executive pardon, and set the offender free to renew his depredations upon society.

Crimes continued to increase, and the vicious, instead of being restrained from the commission of crime, were the more encouraged to plunge deeper in their villainies, under the conviction that the threatened punishment would never be executed.

In this state of things, the society of friends in Pennsylvania, who had always protested against the barbarous laws of the colonies, succeeded, through their Legislature in 1796, in abolishing the punishment of death, except in cases of murder. Mutilation and corporeal punishment were also soon stricken from their penal code. Imprisonment was substituted for corporeal punishment, and the courts were authorized by law to inflict solitary confinement, during day and night, upon those convicted of capital offences.

The State of New-York was the first who followed the example of Pennsylvania, and in 1797 she adopted new penal laws, and a new prison system. A State Prison was erected in the city of New-York, (known as Newgate,) and the Pennsylvania system of discipline introduced. Those criminals, who before the reform of the penal laws would have been sentenced to death, were now sentenced to perpetual solitary confinement, without labor, for the term of their natural lives. Those who were guilty of minor offences were thrown indiscriminately together in the prison, and were to work during the day. The only punishment which their keepers had a right to inflict for violations of the discipline was solitary confinement with bread and water.

This system of imprisonment, upon which the philanthropist had built his most sanguine hopes, was no where crowned with success. It was in general ruinous to the public treasury, nor did it ever effect the reformation of the prisoners. It was considered as

a home by a large proportion of its inmates; they had been better clothed and better fed while in prison than when at liberty. They found their daily task of labor less than that of our ordinary mechanics; and relieved from all the cares of providing for himself, the hardened offender found full leisure to concert, with his companions in iniquity, new schemes of villany, and still further to corrupt the minds of those who were but novices in guilt. The expiration of sentences, and the exercise of the pardoning power, almost daily turned loose upon society, a gang of desperate and hardened villains, who had been properly instructed and fully qualified in this school of vice, to become master spirits in their infamous pursuits.

It was soon found that the State Prison had lost all its terrors; it afforded no adequate punishment for the guilty, nor did it restrain them from the commission of crime. Liberated felons jeered at the State Prison, and denominated it their *college*. The number of convicts and the expenses of the institution were rapidly increasing, and many committed crimes for the express purpose of getting back again, to enjoy the comforts of a home, and the society of their companions in infamy. It gave so much satisfaction to rogues, as to induce them to try it for the second and third time, for the purpose, as they said, of finishing their education.

For several years after establishing this prison, about one-fifth of its receipts were those who had once been discharged. In some years forty-five old offenders had been returned. For several years previous to the erection of the Auburn prison, it was found necessary, from the great increase of convicts, to pardon annually a large number, in order to make room for new commitments, owing to the crowded state of the prison and a want of sufficient room to accommodate the whole; in 1816 and '17, 573 convicts were pardoned. This necessity of pardoning so great a number of villains, who by their constant and free association together while in prison, had become accomplished in the art of villany, had a more powerful tendency towards the commission and increase of crime than perhaps any other cause. The rogues thus pardoned not only resorted to their former practices, but by their representations of the comfortable manner in which they passed their time while in prison, many were induced to embark in the same pursuits, who if not honest, might have been deterred from the commission of crime, had a different system of discipline been practised there. Let a

State Prison possess no terrors, and it has no restraining influence; reverse it, and it has.

Still it was believed that the whole evils of this system resulted from the small number of cells, and the crowding of the convicts together, and that if some new buildings were added to the prison, it would produce more happy results. Upon this hypothesis was the Auburn prison commenced in 1816. In 1818 the south wing of this prison was completed; it contained sixty-one cells, destined to receive two convicts each, and twenty-eight rooms, each of which was to contain from eight to twelve. This plan was soon found to be so essentially injurious, that it would have been much better to throw fifty criminals together in the same room, than to divide them in small numbers. To remedy this inconvenience, the Legislature in 1819, ordered the erection of the north wing, in order to increase the number of cells for solitary confinement.

On the second day of April, 1821, the Legislature charged the Agent of the prison, to select a number of the most hardened criminals, and to lock them up in solitary cells, night and day, without interruption, and without labor. In December, 1821, a sufficient number of cells was completed, and eighty criminals were placed in them. From this experiment results the very reverse of those which had been anticipated, was produced; five of those who had been subjected to this confinement, died within a year, one of them had become insane, and another, watching an opportunity when his keeper brought him something, in a fit of despair precipitated himself from the gallery, running the almost certain chance of destruction by the fall; the rest fell into a state of such deep depression, that their lives must have been sacrificed, had they remained longer in this situation. Under these circumstances, the Governor pardoned twenty-six, and the remainder were allowed to leave their cells during the day, and work in the shops of the prison. From this period, 1823, this system of uninterrupted solitude was abandoned at the Auburn prison.

This system, which had been so fatal to the health of the criminals, proved likewise inefficient in producing reform. Out of the twenty-six pardoned by the Governor, fourteen were soon returned for new offences.

The failure of this experiment in solitary confinement, endangered the success of the whole penitentiary system. The ardent

hopes of its friends had nearly failed, and even those, whose feelings revolted at the idea of capital punishment, were fearful we should again be compelled to resort to the bloody code. But capt. Elam Lynds, who was at this time Agent of the Auburn prison, was too wise to give up the idea, that the beneficial influence of solitude, which causes the criminal to reflect, might yet be combined with some successful penitentiary system. He felt firmly convinced this end could be attained, by keeping the convicts shut up in separate cells at night, and compelling them to work during the day in absolute silence.

The experiment was tried. Capt. Lynds assembled the convicts together, and giving them the rules by which their conduct must be governed, told them they must henceforth labor diligently, and labor in perfect silence; that for every infringement of the rules which he had then given them, severe corporeal chastisement should be inflicted. The convicts were at first inclined to receive this as a mere threat, but they were soon convinced from the energy of will, and firmness of character exhibited by capt. Lynds, at this crisis, that submission was inevitable. Seconded by the able and unwavering exertions of his assistant keepers, capt. Lynds effectually succeeded in establishing this new discipline in the Auburn prison, and in 1824, it was sanctioned by the formal approbation of the Legislature.

The adoption of this system of confining each convict in a separate cell at night, rendered the Auburn prison, (which at this time, 1824, contained but five hundred and fifty cells,) insufficient to accommodate all the convicts in the State. An act was, therefore, passed by the Legislature, on the 7th of March, 1824, authorizing the erection of a new State Prison in the first or second Senate districts. The commissioners appointed under this act, having selected Sing-Sing for the location, employed capt. Elam Lynds as the Agent to build and conduct the new prison at Sing-Sing. He was directed to take from the Auburn prison one hundred convicts, to remove them to the ground selected for the site of the new prison, to purchase materials, employ keepers and guards, and commence the construction of the prison. The reasons for taking the convicts from Auburn, and transporting them so great a distance, instead of from New-York, which was but thirty-three miles distant, were, the convicts at Auburn had been more accustomed to cutting and laying stone, and had been brought by capt. Lynds into

the perfect and regular state of discipline which he had established at Auburn, and which was deemed by him to be indispensably necessary, to their safe keeping in the open country, and the successful prosecution of the work.

Capt. Lynds accordingly took from the Auburn prison one hundred convicts, which with their keepers, guard, baggage and provision, were brought to the prison ground, where they arrived without accident or disturbance, on the 14th day of May, 1825, without a place to receive or a wall to enclose them. On the same day a temporary barrack was erected to receive the convicts at night; they were then set at work building the prison, making of each one a carpenter, mason, &c., and having no other means to keep them in obedience, but the rigid enforcement of discipline, and the firmness and energy exhibited by Capt. Lynds. During several years the convicts whose numbers were gradually increased, were engaged in building their own prison, which was completed in 1829, and contained 800 cells. In consequence of the increase of convicts, owing to the addition to this prison district of several counties which were taken from Auburn, for the purpose of relieving that prison from too great a press of convicts, the Legislature, by an act passed April 20th, 1830, authorized the addition of two hundred cells to the original plan. This was accordingly accomplished, by raising the building another story, and finally completed in 1831.

In May, 1836, there having been a sufficient number of cells completed, the convicts in the old prison at New-York, were removed to Sing-Sing, and that prison was abandoned.

The utter impossibility of having constructed a prison by the labor of convicts, in the open field, under any other system of discipline than that now in practice, must be discernable to all. Doctor Francis Lieber, in a note to his translation of the French Commissioner's report on the penitentiary system, says: "The manner in which Mr. Elam Lynds has built the Sing-Sing prison, would undoubtedly meet with little credit, were it not a recent fact, known to every one in the United States. In order to understand it, it is necessary to know the resources which an energetic mind may find in the *new discipline of American prisons*."

This system of discipline has been practised at the Auburn and Sing-Sing prisons, with very different results from that of the old

system. Rogues now depart with humbled feelings; those who were never before subjected to restraint, have here been compelled to submission, having had no opportunity of associating with their companions in iniquity, they have concerted no new schemes of villany, and if they are not reformed in principle, their vicious propensities are restrained. They feel a sort of instinctive dread at the solitude they have endured, even in the midst of hundreds; they have been forcibly initiated in the school of order and obedience, and few wish to return "for the purpose of finishing their education." They speak of the prison not as a *college*, but as a place of *punishment*; and perhaps the highest meed of *praise* which can be bestowed, is the *complaints* of liberated felons.

That the commission of crime has been restrained by the present system of discipline, will be seen by the following table:

Received from the counties which compose the first and second Senate districts, (which embraces all the larger cities in the State) at the Sing-Sing prison:

In 1831,	192 convicts.
" 1832,	188 "
" 1833,	151 "
Total,	<u>531</u>

Which shows a gradual decrease in the commitments for the last three years, notwithstanding the great increase of population.

It will be seen by referring to the statement before made of the number of pardons granted in 1816 and '17, that the whole number of commitments for the last *three years*, is less than the number of pardons granted in these *two years*, for the express purpose of making room for new convictions.

The following table will show there has not been one-half the number of convicts liberated by the exercise of the pardoning prerogative, for the last five years, that there was for the five years immediately preceding:

In 1824,.....	73	pardoned.
" 1825,.....	90	"
" 1826,.....	112	"
" 1827,.....	53	"
" 1828,.....	65	"
Total,.....	<u>393</u>	

In 1829,.....	25	pardoned.
" 1830,.....	36	"
" 1831,.....	34	"
" 1832,.....	28	"
" 1833,.....	50	"
Total,.....	<u>173</u>	

The increase of pardons for the last year, 1833, was owing to the late revision of the statutes, which reduced the term of imprisonment for certain offences, from for life, to a term of years. It was therefore recommended by the Legislature, that the Governor liberate such convicts, who had been in prison longer than the term for which they would have been sentenced, had the offence been committed since the revision of the statutes, and whose conduct had been such while in prison, as to justify the exercise of the pardoning prerogative.

It will be seen by this table that the number of pardons, for the whole ten years which the new system of penitentiary government has been in operation, which is 566, is less than the number granted in two years under the old system, which was 573.

The State of Pennsylvania has adopted a system of penitentiary government, where corporeal chastisement is altogether dispensed with, which is probably the only system which can be adopted, without this disciplinary measure, where the same results would be attained; she has combined isolation during night and day, with labor. This system has been powerfully advocated by many great and learned men of the present age, whose united opinions testify their preference to it, over all others, as being more certain in producing reformation, or restraining from the commission of crime, but who acknowledge the punishment to be more severe, than that of the system adopted at Sing-Sing. It is probable from this very severity, they anticipate greater effects.

This system is, however, in its infancy, having been put in operation in 1629, at the Cherry-Hill Penitentiary in Philadelphia. Time alone can determine its effects. The expense of erecting prisons upon this plan in the State of New-York, would be greater than the public would sanction, while our present system accomplishes such beneficial results. The expense of erecting a prison on the Cherry-Hill plan is immense ; each convict has a separate cell, and a separate yard attached to it for the purpose of exercise, which cost in their construction \$1,624 each, being thirteen times as much as the cost of the Sing-Sing cells, which is \$125 each.

Description of the Prison, its situation, &c.

The Mount-Pleasant prison is situated on the east margin of the Hudson river, ten feet above high water mark, about thirty-three miles north of the city of New-York. The prison grounds, which contain one hundred and thirty acres, are bounded on the north by the village of Sing-Sing; on the south by the village of Sparta; on the east by the Highland turnpike; and on the west by the Hudson river, and may be approached by vessels drawing twelve feet of water.

The prison, keeper's house, work-shops, &c. are built of rough dressed stone. The prison is four hundred and eighty-four feet in length, running north and south, and forty-four feet in width, fronting westerly on the Hudson river, and communicating with the west yard by two doors, which open at the extreme north and south ends of the prison. The west yard is enclosed by two buildings forty feet wide and two stories high, which are occupied as the kitchen, hospital, chapel, work-shops, store-houses, &c.: these buildings extend from the prison westerly to the edge of the dock; the south wing adjoins the prison, but has no communication, except from the hospital. The north wing is connected with the prison by a wall twenty feet in height, running north and south ten feet, thus enclosing an area of four hundred and ninety-four feet, by four hundred and twelve. This yard communicates with the east yard of the prison, which is unenclosed, by an open arch-way through the centre of the prison, and an arched gate-way through the wall at the north end: there is no door leading from the prison into the east yard. In the centre of the west yard is a range of shops forty feet wide, fronting on the Hudson, and running parallel with the prison two hundred and seventy-six feet, having

wings which extend easterly towards the prison one hundred and forty feet, which are at present occupied as stone shops.

The guard house is situated on the bank, on the east side of the prison, about one hundred and seventy feet above the level of the yard, and commands a perfect view of the east yard, and most of the west.

General government of the Prison.

This prison is under the direction and government of three inspectors, who are appointed every two years, by the Governor and Senate.

The following extracts from the Revised Statutes will clearly define the duties of these officers:

"The board of inspectors shall, from time to time, choose one of their number to be their president.

"The inspectors of the prison shall have power, and it shall be their duty, from time to time, to examine and inquire into all matters connected with the government, discipline and police of the prison committed to their care; the punishment and employment of the prisoners therein confined; the monied concerns and contracts for work, and the purchases and sales of the articles provided for such prison, or sold on account thereof. And they may, from time to time, require reports from the Agent or other officers of the prison, in relation to any or all of said matters.

"It shall also be the duty of the board of inspectors to inquire into any improper conduct which may be alleged to have been committed by the Agent, or other officers of the prison committed to their care; and for that purpose, any justice of the peace shall have power to issue subpoenas to compel the attendance of witnesses, and the production of papers and writings before them, in the same manner, and with the like effect, as in cases of arbitrations.

"The inspectors may examine any witnesses who shall appear before them, on oath, to be administered by the president of the board.

"It shall be the duty of the Agent, and other officers of the prison, to admit the inspectors, or any one of them, into every part of the prison, to exhibit to them on demand, all the books, papers, accounts and writings, pertaining to the prison, or to the business, management, discipline and government thereof, and to render

them every facility in their power, to enable them to discharge their duties under this title.

“The board of inspectors shall keep regular minutes of their meetings and proceedings, which shall be signed by them and preserved in the prison.

“It shall be the duty of the board of inspectors to meet once in every two months, (or oftener,) at the prison, and then to inspect the same; and they shall annually, on or before the fifteenth day of January, make a report to the Legislature, of the state and condition of the prison, of the prisoners confined therein, of the moneys expended and received, and generally of all their proceedings during the last year.

“No inspector of any State prison shall be Agent thereof, or be concerned in the business of such agency, or hold any other appointment connected with such prison.

“The inspectors of the prison at Mount-Pleasant shall, respectively, be paid the same compensation as is allowed by law to the members of the Legislature, for each day actually and necessarily employed in inspecting the prison, and in travelling to and from the same, to be audited by the Comptroller, and paid out of the treasury; but the sum to be allowed to the board under this section shall not exceed five hundred dollars in any one year.

“The Agent, chaplain and physican shall be appointed by the inspectors, and shall hold their offices during the pleasure of the board.”

Officers of the Prison.

The officers of the prison consist of one Agent, who is principal keeper, one deputy, one clerk, one chaplain, one physician and surgeon, and twenty-one assistant keepers; (there are also employed twenty-four guard including the sergeant.) The Agent, chaplain and physician are appointed by the inspectors, and hold their offices during their pleasure; the clerk is nominated by the Governor, and appointed with the consent of the Senate, and holds his office for four years; in case of his death or resignation, during the recess of the Senate, the inspectors have power to supply the vacancy, by appointing another, who holds until a successor is duly nominated and appointed. The deputy keeper, assistant keepers, and guards, are appointed by the agent, and hold their offices during his pleasure.

DUTIES OF THE OFFICERS OF THE PRISON.

Duties and powers of the Agent and Keeper.

The general duties and powers of the Agent will be found in the following extracts from the Revised Statutes:

"It shall be the duty of the Agent, to attend constantly at the prison, except when performing some other necessary duty connected with his office.

"To exercise a general supervision over the government, discipline and policy of the prison, and to superintend all the business and concerns thereof.

"To give the necessary directions to the keepers, and to examine whether they have been careful and vigilant in the discharge of their several duties.

"To examine daily into the state of the prison, and the health, conduct and safe keeping of the prisoners.

"To use every proper means to furnish such prisoners with employment, the most beneficial to the public, and the best suited to their various capacities.

"To superintend all the manufacturing and mechanical business that may be carried on within the prison, to receive the articles so manufactured, and to sell and dispose of the same for the benefit of the State.

"Whenever the inspectors of the prison shall so direct, it shall be the duty of the Agent to make contracts from time to time, for the labor of the convicts confined therein, or of any of the said convicts, with such persons and upon such terms as may be deemed by the said Agent most beneficial to the State.

"It shall be the duty of the Agent to use his best endeavors to defray all the expenses of the prison, by the labor of the prisoners."

The Agent is required to give security for the faithful performance of his duties, to the amount of twenty-five thousand dollars; he is also prohibited by law, as well as all the other officers, from being concerned in contracts or dealings with the prison for his private benefit.

Duties of the Deputy Keeper.

The deputy keeper has the superintendence, under the direction of the Agent, of all but the pecuniary affairs of the prison, and the

special direction of its police and discipline; he is responsible to the Agent, that all the rules and regulations of the prison are strictly observed; he is required to be present at the prison during prison hours, and to be constantly moving about the different departments to see that the assistant keepers are vigilant in the discharge of their duties; he attends personally to the receiving and discharging of convicts, and has the immediate direction and control of all the assistant keepers, delivering such instructions as may from time to time be necessary; he is required to report to the Agent all cases of neglect of duty or impropriety of conduct on the part of assistant keepers, or guard. In the absence of the Agent, his duties devolve upon and are executed by the deputy, so far as relates to the discipline and safe keeping of the convicts.

Duties of the Assistant Keepers.

Assistant keepers are required to be at the prison at all times during prison hours, unless prevented by sickness, or having obtained leave of absence from the Agent, or in his absence, of the deputy. They are bound by their oath of office rigidly to enforce every rule and regulation of the prison. As the preservation and effect of the whole system of discipline depends upon non-intercourse between the convicts, they are to make use of every exertion to prevent any communication between them. They are prohibited from saying any thing in the presence of convicts respecting the police of the prison, unless it be for the purpose of directing them in their duty. They are to hold no unnecessary conversation with convicts, nor allow them to speak on any other subject, but such as is absolutely necessary; they are not to take one convict's word against another, nor allow or countenance in the least degree one convicts complaining against another; nor are they to allow any convict to speak lightly or disrespectfully of any officer of the prison. They are to require of convicts, *labor, silence and strict obedience*; they are required to punish every convict who is under their immediate direction and control, for all wilful violations of discipline or duty, which they discover; to punish with discretion, according to the nature and aggravation of the offence, and in such a frame of mind as will show the offender it is intended for his own benefit, and is not a very agreeable duty for the officer to perform. All violations of discipline or duty which assistant keepers discover in convicts, who are not under their immediate direction, they are required to report to the deputy keeper with the name of the trans-

gressor. At the close of each day, all assistant keepers are required to report in writing to the deputy keeper, all cases of punishment which they have inflicted, with the name of the offender, the nature of the offence, and the quantity of punishment inflicted. When on duty, assistant keepers are required to govern themselves in strict conformity to the rules of the institution; they are to avoid whistling, singing, scuffling, loud laughter, and all other acts which are insubordinate or undignified, and in all their intercourse with each other, they will exercise mutual respect and kindness, and cultivate an ardent desire to exalt the character and promote the interests of the institution. All assistant keepers when within the precincts of the prison, are at all times to consider themselves on duty, and govern themselves accordingly. When on duty in the prison, those who have galleries to attend upon, are required to remain on their respective galleries, and not leave them to assemble together in squads for the purpose of holding conversation. All arguments in the keeper's hall, on politics or religion, or any other subject which is calculated to excite the passions or prejudices, are expressly prohibited. The deportment of assistant keepers towards convicts in all situations, should be manly and dignified, in order to inspire the convicts with respect towards them, and to set the example of good order and decorum. Their deportment towards each other in the presence of convicts, should be characterized by the most gentlemanly demeanor; they are to hold no conversation with each other but such as is actually necessary in the discharge of their official duties, and this should be as brief as possible; they are not to exercise any petulance towards each other, utter any provoking witticisms, or sarcasms, nor indulge in any levity of any description; in short, they are to do nothing in this particular, which they will not allow a convict to do. They are to require from the convicts the greatest deference, and never suffer them to approach but in the most respectful manner; they are not to allow them the least degree of familiarity, nor exercise any towards them; they should be extremely careful to *command* as well as to *compel* their respect.

Duties of the Clerk

It is the duty of the clerk to keep the prison register, in which he records the names of all convicts received, their ages, crimes, former occupations, sentences, place of nativity, where tried and by whom sentenced, with a description of their persons. He also

records all discharges of convicts, whether by expiration of sentence, pardon, or death; he copies into the regular office books all the accounts kept in the different shops; he makes out all the returns which are necessary for the annual settlement between the Agent and Comptroller, and performs all other writings which may be required by the Agent or inspectors. He is required to give security for the faithful performance of his duties, to the amount of four thousand dollars.

Duties of the Physician and Surgeon.

The physician is required to visit the prison at a stated hour every morning, and as often through the day as the condition of the sick requires; and when sent for, is to repair immediately to the prison, to the exclusion of all other professional engagements. He is required by law to keep a register of all deceased convicts, stating their names, ages, place of nativity, time of death, disease, and such other circumstances as he may deem important or necessary; which register must remain at the prison, and be open to public inspection.

Duties and Privileges of the Chaplain.

It is the duty of the chaplain, in all cases and under all circumstances, to conform strictly to the rules and regulations of the prison. He is to furnish convicts with no intelligence, other than what his profession requires; he is to give them no hope or promise of aid in procuring pardons, which would only be calculated to excite hypocritical pretensions to sanctity; he is to have free access to them at all times, except when engaged at their labor, for the purpose of imparting religious instruction and consolation; he should endeavor to convince them of the justice of their sentence, and make them feel the necessity of amendment, and strict obedience to the rules and regulations of the prison; he is to exercise his own discretion in imparting spiritual advice, and at such times as he may deem most proper. The present incumbent, Rev. Jonathan Dickinson, of the presbyterian order, is eminently qualified for the purpose of imparting religious instruction, and impressing upon the minds of the convicts, the duty which they owe to their God and to society. And if any situation in which men could be placed, who have discarded every virtuous principle, is calculated to soften the heart and render them susceptible of religious reformation, it is when confined to the solitude of their

cells, where they cannot escape the reproof of their own reflections, and where their duties, as men and christians, are clearly pointed out by their religious instructor.

Duties of the Guards.

It is the duty of the guards to be present at the prison at all times during prison hours. If any guard should be absent through sickness, or by obtaining leave, his place must be supplied with such substitute as the Agent thinks proper to receive. They are to have no intercourse, or control of any kind over convicts, except such as is necessary to prevent their escape. They are required to report to the Agent or deputy all cases of improper conduct which they may witness on the part of convicts; they are not to leave their posts when on duty about any part of the prison, under any pretence, without relief; they are required to keep a strict and vigilant observance of the convicts, and not for a moment have their attention abstracted from their duty. They are to make use of every means in their power, should any convict attempt to escape, to prevent such escape. When off post, they are strictly required to remain at the guard-house, and be in readiness in case of any exigency. They are to suffer no person to pass from or to the prison, except by the usual way past the guard-house, without express orders. They are at all times when on duty, under the command of the sergeant, who will regulate their posts, reliefs, &c., and are required implicitly to obey his orders. The sergeant will receive his orders from the Agent or deputy.

Duty of Convicts.

The whole duty of convicts may be comprised in few words. They are to *labor diligently, obey all orders*, and preserve an *unbroken silence*. They are not to exchange a word with each other, under any pretence whatever, nor to communicate any intelligence to each other in writing; they are not to exchange looks, wink, laugh, or motion with each other, nor make use of any signs, except such as are necessary to convey their wants to the waiters. They must approach their keepers in the most respectful manner, and be brief in their communications; they are not to speak to them on ordinary topics, nor address them, except when it becomes necessary, in relation to their work or their wants; they are not at any time nor under any pretence, to speak to any person who does not belong to the prison, or receive from them any letter, paper, tobacco, or other thing whatever; they are not

to leave the place where they are put at work, without the special permission or orders of a proper officer; they are not to suffer their attention to be taken from their work, to look at visitors, nor are they to gaze at them when unemployed; they must not sing, whistle, dance, run, jump, or do any thing which has a *tendency* in the *least* degree to disturb the harmony or contravene the rules and regulations of the prison. Their whole demeanor must be in accordance with the most perfect order, and in strict compliance with the discipline of the prison. No convict is wilfully or carelessly to injure his work, tools, wearing apparel, bedding, or any other thing belonging to or being about the prison; nor is he to execute his work badly, when he has the ability to do it well. For the wilful violation or neglect of these or other rules, chastisement is certain to be inflicted. There are other duties of convicts, which will appear in various parts of the rules and regulations of the prison.

General Rules and Regulations of the Prison.

All the officers and guard are required to be at the prison during prison hours. No book, pamphlet, or newspaper is to be read by any keeper or guard when on duty, in or about any part of the prison.

Opening and closing the Prison, morning, noon, and night.

The hours of labor vary according to the season; in long days, from about the first of March to the first of October, the prison is opened at a quarter past five in the morning, and closed for the day at half past six in the evening. During the short days, the hours are so fixed as to embrace all the day light.

Opening the Prison in the morning, and closing for Breakfast.

The guards are required to muster at the guard house, and the assistant keepers in the keepers' hall, at the appointed hour. The guards being posted at their respective stations, the sergeant gives the signal by the blowing of a horn; the prison doors are then unlocked; each keeper who has charge of a gallery, or company of men, takes his key from the key-room, and repairs to his gallery, which he unlocks, (the keys are then handed to the keeper of the hall, whose duty it is to return them to the key-room and lock them up,) the doors of cells are then unlatched, and the convicts let out on each gallery successively, each keeper taking his regular turn. The inmates of the south block of cells pass out at the south

door of the prison, in single file, into the west yard, taking with them their kids, cans and night tubs. The cans are deposited in a pile by the door; the kids are placed upon a revolving rack, (by which the convicts pass as they go out,) which deposits them in the kitchen. The leader or the convict who first passes out, then halts at a sufficient distance from the door, to allow the egress of the whole company; they then close upon each other in single file, with their faces inclined towards their keeper, that he may discover any insubordination, or conversation which they might have together. At the word step, they march off in close order, or with what is termed the lock step, to the dock; forming in line with the dock, the keeper gives the word halt, when they deposit the filth in the river, rinse out their tubs, retaining a little water to purify them from stench, as well as to prevent their falling to pieces. They then form again as before, in reverse order, and march to the place where their tubs are deposited in a row for the day. Each company is then marched in the same order, to their respective shops or occupations, and the labor of the day commences.— Those convicts who occupy the north block of cells, pass out at the north door, taking with them their night tubs and cans, leaving their kids in their cells, which are collected by the waiters in the hall, under the superintendence and direction of the keeper, who is stationed there, and conveyed to the kitchen. It is the duty of this keeper to have each convict's ration of coffee put into his cup, and placed inside of his cell previous to the ringing of the bell for breakfast. At from seven to eight o'clock in the morning, according to the season, a small bell is rung by the keeper in the hall, as a signal for breakfast. At this signal, the convicts break off work, form again in line, in their respective shops, &c. and are marched by their keepers through the yard, into the prison; they enter the prison through the same door at which they came out; the convict who came out last in each company, being the first who enters, and so on in succession, which brings each convict in regular rotation opposite his respective cell; they are rigidly required to observe this order, which prevents all confusion, which otherwise would ensue in entering their rooms. Those convicts who enter at the south door, pass by the kitchen and take their rations, without halting or breaking their step, from the rack where they deposit their empty kids in coming out, except those who are allowed extra, (the manner in which these are supplied will be found under the head of "convicts rations.") This rack is so constructed, that

by turning a crank, it presents two or more kids of rations in constant succession; it projects through a small door in the wall, from the kitchen into the yard, and is attended (under the superintendence of the keeper in the kitchen,) by three or four convicts, one of whom turns the crank, and the others constantly fill up the vacant space which is presented by its revolution, with kids containing rations. A keeper is stationed at each door, with the keys of the galleries, which are numbered from one to twenty, who hands to each keeper as he enters, his appropriate key. The keeper enters at the head of his company, stations himself at the end of his gallery, and the convicts march in review past him, enter their cells, and close their doors. The keeper then locks each door in rotation, and in returning, feels with his hand that every bolt is sprung, and sees that each room is occupied by a convict, by requiring them to stand up to their doors as he passes. Those companies which enter at the north door empty handed, their kids of rations having been deposited in their rooms by the waiters in the hall, the keepers observe the same regulations in securing their galleries, &c. as those who enter at the south door. These galleries in the block of cells north of the arch, are all secured by the new improved lever lock, by means of which the whole range of cells on each gallery, are fastened with one lock. After the galleries are all secured, the keepers repair to the keeper's hall, and if the convicts are all in their cells, the keys are hung up in the key room; if there should be any convict missing, the keeper to whose company he belongs, retains his key, and reports to the deputy keeper the name of the convict missing, which he has ascertained, by reference to the list of his gallery, which he is required to keep constantly with him. If the convict missing has been sent to the hospital, discharged, or otherwise disposed of, his key is then hung up with the rest; if not, it is retained until the convict is found, or a thorough search made for him. When the keys are all hung up in the key room, in their appropriate places, the superintendent of the kitchen having secured the kitchen, and the back door of the prison, hangs up the keys in his possession, examines the pegs, and if he finds the keys are all there, he rings the all-right bell, and the guards leave their posts, (it will be perceived that by this regulation it is impossible for any convict to conceal himself with a design to escape, without its being discovered at the time of locking up.) The keepers and guards then retire to their respective homes to breakfast, except two guard and one keeper, who remain on hall duty, one

guard and keeper in the prison, and one guard in the yard. Their duties in this particular will be found under the head, "hall duty." One hour and a quarter recess is allowed, at the expiration of which time, every guard and keeper must assemble the same as in the morning. The guards being posted, and the horn blown, the convicts are taken out in the same order as before breakfast.

Dinner.

The bell is rung for dinner always at twelve o'clock, and the proceedings are the same as at breakfast: the convicts' cups are filled with water previous to dinner time, in the same manner they are filled with coffee in the morning.

Closing the Prison at night.

A short time previous to quitting labor the fires are carefully secured, and at the ringing of the bell the convicts form in line in their proper places, in reverse order from that of coming out, march to the place where their tubs are deposited, and at command, take them up, empty the water in drains provided for the purpose, and hang them by the bail upon their left arm; those who enter at the south door are marched by the kitchen, as at breakfast and dinner, where they take their kids of muck from the rack and their cans of water from the rows which have been placed by the cooks for the purpose, marched into the prison and are secured, the same as at breakfast and dinner; when all is ascertained to be safe, the all-right bell is rung, and the keepers and guard retire for the night, except those who remained on hall duty at breakfast and dinner.

Hall Duty.

One keeper and one guard are left in the prison, during the recess at each meal, and also after closing the prison at night, the keeper having the key of the south door, in case necessity should require his opening it. The keeper and guard thus left on duty, are required to examine all the locks and see that they are secure, and to keep constantly and silently moving around each gallery, with socks on, and report to the deputy keeper every breach of silence or order. A quarter of an hour after closing the prison for the night the bell is tolled by the keeper for evening prayers, which if the chaplain should be present, occupies about half an hour, after which the bell is rung and the convicts are required to take off their clothes, turn down their bunks and go to bed; they are not

allowed to go to bed at any time previous to the ringing of this bell, without obtaining permission from the keeper on duty, and this is only granted in case they are unwell; nor are they to get up again, unless from necessity, until the bell rings in the morning. Should the chaplain not be present at the tolling of the bell, the convicts are rung to bed immediately. One guard is left on duty during the recess at meals, and also after closing the prison at night, whose duty is at meal times to traverse the yards in every direction, and prevent any person from entering the yards or shops, or depositing any letters, tobacco, or other prohibited articles, for the use of convicts: after the prison is closed at night it is his duty, in addition to the above, to take the different shop keys, enter the shops and carefully examine that the fires are all put out, and every thing secure. The keeper and guards on hall duty are unarmed, excepting on night hall duty, when each one is armed with a loaded pistol.

Night Duty.

One hour and a quarter after closing the prison at night one keeper and four guard muster in the keepers' hall, to perform the duties of the night. The keeper and two of the guard, armed with loaded pistols, then enter the prison from the keepers' hall, and relieve those who were left on hall duty; the other two remain in the keepers' hall, and relieve the guard who is on duty in the yard. It is required of the keeper on night duty in the prison, as well for his own safety as the security of the prison, that he examines every lock and sees they are all secure; he then retires to rest on the first floor of the arch-way, above the flagging, where a bed is provided for him; one of the guard are required to keep constantly moving around the galleries, with socks on, during the night, relieving each other at stated intervals, which they are at liberty to arrange between themselves: a bed is provided for the guard, on the next floor above the keeper's. Should any disturbance be made in the prison at night, it is the duty of the guard to awake the keeper and acquaint him with the same; when the keeper will repair to the spot, and make use of the necessary means to quell it. Should a convict be taken sick in the night, he is to rap on the grating of his door, and the guard is required to repair immediately to the spot, and acquaint the keeper; the keeper will procure assistance from the convict who attends to administering medicine, under the direction of the physician in the hospital, or have him conveyed to the hospital, and if

necessary, send one of the guard in the keeper's hall for the prison physician. At an early hour in the morning, the guard who is patrolling the galleries, wakes the keeper, who procures the necessary keys from the guard in the keeper's hall, and unlocks the cells of the two principal cooks; they are let out, and taking a small lamp lighted, they follow the keeper, who conducts them to the hospital door, (which is approached by a short flight of steps leading from the first gallery,) which he unlocks, and enters the hospital; the guard armed with two pistols stations himself at this door, and keeps a watchful eye upon the inmates of the hospital. The keeper conducts the cooks through the hospital, and unlocks a door which communicates with the kitchen below, by a flight of stairs; the cooks pass through this door, which the keeper locks upon them, and returns through the hospital, locking the iron grated door which communicates with the prison; he deposits the keys with the guard in the keeper's hall, who locks them safely up again in the key room, the key of the key room being always at night in the hands of one of guard on duty in the keeper's hall. Fifteen minutes before opening the prison in the morning, a small bell is rung by the keeper as a signal for the convicts to rise, dress, and prepare to come out. It is strictly enjoined and required, that one of the guard on night duty, should keep constantly and noiselessly patrolling the galleries, and watching the hospital through the grated door: this regulation effectually prevents all disturbance at night, each convict not knowing but the guard may be every moment at his door. The keeper and guard are required to report to the deputy keeper in the morning, all cases of insubordination or disturbance which they have detected through the night. The Agent and deputy frequently enter the prison silently at different hours of the night, to see that all is right, and that the guards are performing their duty. It is the duty of one of the guards left in the keepers' hall for the night, immediately after relieving the guard in the yard, to enter the workshops and see that the fires are all out, and every thing secure; they will also patrol the yards every hour during the night, relieving each other at stated intervals, as they may arrange between themselves. They are also required to attend to the directions of the keeper on duty in the prison, who conveys his instructions through an aperture in the wall. A bed is provided for the use of the guard in the keepers' hall, one of them only being on active duty at a time.

Sunday Regulations.

On Sunday morning, the officers and guard being present, the prison is opened at the same time as on other mornings. The galleries are unlocked, each keeper retaining his key, and the convicts are taken out by their respective keepers, in squads of four companies each, who occupy two ranges of galleries in the north and south blocks of cells, commencing on the lower gallery, or flagging on the east side; they all pass out and re-enter at the south door, taking with them their kids, cans and night tubs, their kids and cans are deposited as on other days. After emptying and rinsing their tubs, they are marched around the yard, for the purpose of exercise, and halted within a short distance of the prison door; they then set down their tubs and uncover them, one convict is sent from each company to the lime-house, who returns with a sufficient quantity of lime, and deposits about a table-spoonful in each tub, to prevent the exhalation of mephitick vapor during the day, (there is one or more guard on post near the lime-house and springs, to prevent the convicts who may happen to meet there, from loitering or holding any communication with each other.) At the word of command, the convicts cover their tubs, take them up, and face in the order for marching; they are then marched into the prison, taking with them their cans of water for the day, (which have been filled with water and deposited in rows by the door,) enter their cells, set out their coffee cups, and close their doors. The companies enter the prison reversed from the order in which they went out, that company occupying the gallery in the north block of cells, in each range, entering first, and the company which occupies the gallery in the south block, following; after the first squad have returned, the second is taken out, and so on successively until all have been out and returned. Immediately after unlocking the cells, the keeper who superintends the hall, takes from ten to fifteen convicts out, who set their tubs down a short distance from the door, (stout blacks are usually selected for this service,) part of whom proceed to the springs in the east yard for water. The water is conveyed in barrels, two convicts to each barrel, and carried by arms which are fastened in the centre, on two opposite sides of the barrel, in the manner of a hand-barrow; the water is turned into casks, which are placed by the door to receive it; the remainder of these convicts arrange the water cans which are deposited by the companies in coming out, in rows, and fill them with water, the keeper of the hall being stationed here to

superintend the whole. After the duties of these convicts are performed, their night tubs emptied, rinsed and limed, they return to their respective cells, and close their doors. Each keeper, immediately after returning with his company from the yard, or previous to going out, lets out two convicts, one of whom procures coffee from the kitchen, and fills up the cup of each convict, which stands outside of his door; the other takes a bundle of clean shirts, which have been provided for the gallery, and following immediately behind the keeper, who unlatches each successively, for the convicts to take in their coffee, hands the inmate of each cell a shirt as he passes, which the convict receives and closes his door immediately. After the gallery is thus supplied with shirts and coffee, these convicts return to their cells and close their doors. The keepers remain on their respective galleries, occasionally patrolling them, until breakfast is ready. If any convict is sick, he reports himself to his keeper, who takes his name and the number of his cell on a piece of paper, and hangs it on a hook in the hall. Convicts are supplied with combs and bibles whenever they are required, by applying to their keeper on Sunday morning. When breakfast is ready, which is made known by a signal, two convicts are let out on each gallery, one of whom from each gallery in the south block of cells, goes to the kitchen for rations; they usually bring from five to seven at a time in their arms, hand them to the other convict, who stands at the end of the gallery to receive and distribute them, and returns for more. Rations for the galleries in the north block of cells, are brought in by the kitchen waiters, in large boxes which contain from fifty to seventy rations, and deposited in the archway, where they are taken by a waiter from each gallery, and received by another, the same as at the south block of cells. These waiters deposit a kind of rations by the side of each cell door, then return to their cells and close their doors. The keeper then commences unlatching the doors, beginning at the upper or north end, the convicts take in their rations and again close their doors. After he has thus gone through his whole gallery, he commences locking up, when the same rules are observed as on week days. When the all-right bell rings, the keepers and guard retire, except those who remain on hall duty, who are relieved in one hour and a quarter, by the keeper and guards who remain on duty during the day. The time occupied in taking out the convicts and getting in breakfast is generally about two hours.

Sunday School and Divine Service.

At nine o'clock, two keepers and six guards arrive to perform Sunday school duty; the guards are stationed and the keepers unlock and take the scholars into the chapel, where they are instructed by a number of gentlemen, who volunteer their services, the chaplain of the prison having the general superintendence. The scholars are divided into classes, each teacher taking a class. One keeper remains in the chapel, whose duty it is to prevent any infringement of the discipline, the other is stationed at the door which leads from the prison into the keepers' hall, to pass the teachers through from the hall to the chapel, and to prevent any communication with the convicts in the prison. A guard is also stationed at the door in the keepers' hall, which he keeps locked, and only opens for the purpose of passing the teachers or officers of the prison through. The deputy keeper attends the Sunday school, and has a general supervision over the whole. It is also visited by the Agent. The school continues until ten o'clock, when all the keepers and guard are required to assemble the same as in the morning. The guards are posted around the prison, the same as on week days. At the usual signal, blowing of the horn, the guard stationed at the door in the keepers' hall, unlocks the door, hangs the key up in the key-room, and returns to the guard-house. At this signal, also, the deputy keeper raps off the scholars, when they rise from their seats, march out of the chapel in regular order, and arranging themselves in a row opposite the chapel door, wait until their respective companies approach, when they fall in, and march with them into the chapel. When the prison door is opened, the keepers proceed to unlock, in the usual manner, and the convicts are all taken out at the south door, taking with them their empty kids, which they deposit on the rack; they are then marched into the chapel, where they are comfortably arranged on seats facing the minister; the keepers are seated on seats sufficiently elevated to overlook every convict; a sermon is delivered, and the usual divine service performed, except singing. The keeper of the hall, after taking the sick reports from the hook, stations himself at the door through which the convicts pass, where all who have been reported, step out one side, and are conducted by him to the hospital, where they are examined by the physician, and prescribed for as their cases may require. The keeper who oversees the kitchen, remains there with the cooks and waiters, to prepare and divide the convicts rations, which are to supply them until next

morning; this is placed in their kids and arranged in the usual manner. When divine service has closed, the company which came in last, rise with their keeper and march out, the other keepers, with their men, following in succession; and as they pass again by the kitchen, take their rations with them to their cells, and are locked up. When all is secure, the keepers and guard, except those on Sunday duty, disperse for the remainder of the day.

Sunday Duty.

One keeper, and one guard who are armed, remain on duty in the prison, after the close of divine service, during the day, and are relieved at night, at the usual time of ringing-off on week days, by those who are to perform night duty. The duties of this keeper and guard are, to keep constantly patrolling the galleries as on week days. If any convict who has not wasted his water requires more, he is supplied by the keeper through the grating of his door, with the aid of a crooked tunnel. The keeper is provided with the key of the south door of the prison, key of the kitchen, hospital, meal-room, and cells where the cooks are secured; the two principal cooks being left in the kitchen on Sundays, from the time they are let out of their cells in the morning until four or five o'clock in the afternoon, to cook the rations for the next morning's meal; (they also remain in the kitchen on week days until the prison closes at night.) At about three o'clock in the afternoon, the keeper enters the kitchen, and from the meal-room procures the tea, and other necessaries for the sick in the hospital, and those who are on hospital rations in the prison, gives them to the cooks, and returns again into the prison. When the tea is prepared, the cook raps on the grating of the window nearest the prison, which is easily heard, and the keeper lets him out of the kitchen, locks the kitchen door, and conducts him through the prison to the hospital, locking the prison door after him; the hospital door is then unlocked, and the rations handed to the convict nurse, (who distributes them to the sick.) After locking the hospital, the keeper proceeds along the galleries, the cook following and distributing the tea by the aid of the crooked tunnel, through the grating of the door, to those who are on hospital rations, the number of their cells having been given him by the overseer of the kitchen; this duty performed, the cook is returned to the kitchen. About five o'clock the cooks are brought by the keeper from the kitchen, and after lighting the prison lamps, they are locked up in their cells;

in consideration of these two cooks having to rise early in the morning, they are permitted to go to bed at any time when in their cells, without waiting for the bell. When relief arrives for the night, the keys which the keeper has had through the day, are safely deposited by him in the key-room. The convicts are rung to bed on Sunday night, at the same time and in the same manner as on other nights.

Regulation of Night, Hall, and Sunday Duties.

These duties are performed alternately, by each keeper and guard; a roster is kept for the keepers, by the deputy in the keepers hall, and for the guard, by the sergeant of the guard, in the guard-house, showing the order and time of their being performed.

Clothes-Room.

The clothes-room is opened every morning, (except Sunday.) at nine or ten o'clock, by the deputy keeper, or an assistant keeper designated by him. About one-sixth of the convicts visit the clothes-room every day, under the following regulations: notice is sent to the keepers that the clothes-room is open; a signal which the convicts understand is then given, when those convicts who require any change in their wearing apparel present themselves to the keeper, who motions them to go to the clothes-room, where the officer who is on that duty gives out such articles as are required, except shirts, they being supplied in the manner before described, under the head, Sunday regulations. Flannel shirts are supplied the sick and infirm whenever ordered by the physician. The clothes-room is also opened every Saturday afternoon for the blacksmiths; convicts who are at work in the yard, or who are otherwise exposed to wet, by obtaining permission from a keeper, go to the clothes-room at any time when open, for a change of clothing, and when closed are sent to the deputy keeper, who opens the clothes-room and supplies them. The dress of the convicts is a striped roundabout coat, vest and trousers, made of cotton warp and woollen filling, with the stripes running round the body and limbs, a cap of the same cloth, socks wove from woollen yarn, and leather shoes. Their clothing, shoes, and bedding are all manufactured by them; their clothing and bedding from the raw material, except the cotton, which is purchased in the yarn; their shirts are cotton, striped with blue.

Hospital.

The keeper of the hall has the general superintendence of this department, (subject to the control of the physician.) It is his duty at all times, to have the hospital well ventilated, the clothes and bedding clean, and to cleanse and purify the walls and floor, by frequent scrubbing and whitewashing. One convict is selected who has some knowledge of medicine, as a steward or nurse, who has particular charge of the sick, shaves them, and attends to all the directions of the physician. The physician directs what provisions are necessary for the hospital, and it is the duty of the keeper who superintends the hospital, to see the Agent is informed, that they may be procured; they are obtained by purchase from day to day, as occasion may require. These provisions are weighed and examined by the superintendent of the kitchen, and if found of good quality, an account is taken by him of the same, and handed to the clerk. Hospital rations are prepared and cooked under the superintendence of the keeper of the kitchen, and distributed to the sick, by the hospital nurse. A report of the names of all convicts who remain in the hospital, is every day made by the keeper of that department, to the deputy keeper, that when any assistant keeper finds a convict absent from his cell at locking up, he may know whether he is in the hospital. The sick are allowed all the articles of comfort which it would be proper to allow the sick in any situation of life. When a convict dies, his body, if not claimed by any relative, is delivered (as the law requires) to the agent of the college of physicians and surgeons in the city of New-York, for dissection. The keeper who superintends the hospital, must lock the same at bell time, and see that all are in who belong there, and hang the key up in the key room.

Kitchen and Wash-Room Department.

From twelve to fourteen convicts are constantly employed in the kitchen; about one-third of them at washing the clothes and bedding of the convicts. The various kitchen employments, such as washing kids, baking, cooking, cutting up and dividing rations, are allotted by the keeper to particular convicts, and superintended by him. Great care is observed in keeping the kitchen as clean as possible, by frequent scrubblings and whitewashing.

Convicts' Rations.

The Statutes provide that the convicts "shall be supplied with a sufficient quantity of *inferior* but *wholesome* food." Each day's ration accordingly consists of sixteen ounces of prime beef, (or shin beef without bone,) or twelve ounces of prime pork, (pork is furnished eight months and beef four months of the year, at such time as the Agent directs,) eight ounces of inspected rye flour, twelve ounces of sifted Indian meal, and half a gill of molasses, per man; and three bushels of potatoes or forty pounds of rice, four quarts of rye in the grain for coffee, two quarts of vinegar, and two ounces of pepper, to every one hundred rations. This is all weighed or measured each day, by the superintendent of the kitchen; he is responsible, and liable to censure or removal, if he receives into the kitchen, and makes use of any provisions not good, and wholesome. Convicts who are allowed extra rations are supplied with their extra from the unconsumed rations of the rest, each convict being required to leave in his kid all that he does not consume at each meal. This stock is generally found to be sufficient to supply all extras; when it is not sufficient, an additional number of rations are issued. There are some men of stout robust constitutions, who at times require more food than ordinary. In all cases where a convict wishes more food he applies to his keeper, and if the keeper is satisfied he requires it, and there is no imposition attempted; he gives the number of his room to the superintendent of the kitchen, and he is supplied accordingly. All convicts who receive extra, pass into the prison without their rations, they having been set inside their respective cells by the kitchen and hall waiters previous to bell time.

Scrubbing, cleansing and whitewashing the Prison, galleries and cells.

From four to six convicts are constantly employed in this service, who take separate galleries to prevent their communing with each other; they are directed by the hall-keeper, who sees that every part of the walls are well whitewashed, and that the cells, galleries, hall flagging, &c. are well scrubbed, and wiped up as dry as possible; in cold weather the fires are kept up day and night, and in warm weather during damp days, to rarify and produce a freer circulation of air, as well as to prevent the cells being damp at night. The hall-keeper examines the blankets, bibles, and other furniture of each cell, three or four times a week, and if any of

them are wilfully injured by the convicts, or he discovers any weapon, tool, or other article, which they are prohibited from taking into their cells, he takes down the number of the cell, with the offence committed, and reports the same to the deputy keeper for punishment. He also sees that the blankets are changed, and washed as often as necessary. If any bed bugs, fleas, or other vermin are at any time discovered, the most effectual means are immediately taken, wholly to eradicate them. One or more convicts are employed to tend the fires in cold weather, trim the lamps, keep the cell doors open, and open and shut the prison windows, as occasion may require for the purpose of ventilation.

Furniture of each Cell.

Each cell is furnished with a wooden bunk, or frame made of pine, about six feet long and two feet wide, raised four or six inches from the floor, four blankets, a bible, pint cup for their coffee, a small tin cup for vinegar, an iron spoon, and a comb. The cells on the lower tier or flagging, are furnished in addition, in the winter season, with a straw bed, they being colder than the galleries above, and in the summer season, with an extra thick blanket or rug. Sick convicts are allowed extra blankets as occasion may require. The convicts are not allowed to take any of the furniture away from their cells. The general substitution of a wooden frame to lie on in lieu of hammocks, mats, &c., was found to be absolutely necessary, they having been tried, and found to produce bed bugs and fleas in such quantities as to deprive the convicts of all rest during the night. Since adopting the use of the bunk, there has been but few instances where vermin of any kind have been discovered.

Shop Regulations.

There is at least one keeper, in each mechanical department, who is master of the business pursued, (where the contractor or his Agent does not personally superintend it;) he has a general superintendence of all the works; directs and instructs the convicts; examines every article made, and keeps an account of the same. No convict is allowed to ask or give, either by motion or otherwise, any information from or to another convict, with regard to his work, without the express permission and presence of a keeper; if he wants any instruction, he must apply immediately to his keeper. No convict must leave his place where he is put.

at work, without orders or permission from a keeper, except to answer the calls of nature; one or more necessities are placed in the corners of each shop, with suitable tubs, which are emptied in the river by the waiters, and cleansed as often as is necessary to prevent their becoming offensive; but one convict visits these necessities at a time, and takes with him a stick which hangs in a conspicuous place, which he returns again, that others may succeed him, (necessaries are also placed in different parts of the yard, under the same regulations, for the accommodation of the kitchen, and those convicts who are at work in the yard.) Convicts are not allowed to stop their work at any time without permission, nor exchange looks, wink, laugh or motion with each other. They are not to look off their work, to gaze at visitors, or at any thing which may be doing in the shop. Any directions which the convict receives from his keeper in regard to work, must be received in silence and implicitly obeyed; he is not to suggest the propriety of doing any thing in any other manner or way than the one prescribed by the keeper, but must follow his directions; if it is done wrong, the responsibility then rests upon the keeper. No assistant keeper is to give any directions in the shops, in relation to the work, unless he is specially commissioned to do so. A sufficient number of convicts are selected from each shop as waiters, who distribute and grind tools, sweep out the shops, remove all rubbish, convey manufactured articles to their places of deposit, hand around water to drink, &c. In those shops where a number of waiters are required to attend upon the men, the wants of the convicts are conveyed to these waiters by signs. The waiters are stationed in different parts of the shop, where they have a full view of all the men at work. The signal for a waiter is by holding up one hand. The waiters are required to keep their eyes constantly around the shop in every direction, and when they see a hand raised, they go to the spot; the convict then communicates his want of tools, water to drink, or other thing, by an appropriate sign, which the waiters understand and supply accordingly. Before, or immediately after breakfast, all convicts who are unwell are required to report themselves to the keeper under whom they work, who takes their names upon a piece of paper, stating the shop wherein they work, and sends it to the hall where it is hung upon a hook provided for the purpose; these reports are taken by the physician, and entered upon his book in the hospital; they are then handed to a waiter who carries them to the respective shops, from whence they were

sent, and the keeper sends the convicts thus reported to the hospital. Water for the use of the shops in the west yard is supplied from the springs in the east yard, by two convicts, who are stationed at the centre arch for that purpose; one convict from each shop takes his pails to the arch, has them filled, and returns again immediately to his shop; this regulation is adopted for the purpose of preventing too many convicts meeting together at the springs, where they are not so immediately under the eye of a keeper as they are at the arch way. About five minutes before bell time, morning, noon and night, in the summer season, and morning and night in the winter, kegs of clean water are set along the shops, and the convicts rapped off for washing; three or four convicts wash in each keg; each convict has a small towel to wipe on, (which are supplied from the clothes room when required,) which he carries constantly with him. Two minutes are allowed to wash in, when at a given signal the convicts go to work again until the bell rings. In the blacksmiths' shop on Saturday nights, the convicts are allowed from five to ten minutes to wash in. Convicts are shaved once a week in their respective shops by convict barbers, and their hair kept short. They also wash their feet often, and occasionally in warm weather bathe in the bason. No convict waiter or other, is allowed to leave the shops, under any pretence whatever, without order or permission. Seats are erected in each shop for the keepers, in conspicuous places, sufficiently elevated so as to command a perfect view of the whole shop and every thing which is conducted in it. The convicts in all the shops are arranged in such a manner, as far as is practicable, as to face the keeper who occupies the seat, and not to face each other, each one having his work entirely separate. In those shops where there is more or less work done for the prison, raw hands are generally put at such work, before they begin for contractors. The shops are scrubbed and whitewashed as often as occasion requires. These rules will apply to all the shops, except such as require little or no waiting upon; in these water pails are hung up in different places, and the convicts allowed one at a time to go and drink; they also wash without breaking off work, two or three being allowed to wash at a time. When any assistant keeper sends to a shop for one or more convicts, they are sent accordingly, the responsibility resting upon the keeper who sends for them, and not upon the one complying with the requisition; no assistant keeper will send for any convict, without orders from the Agent or deputy; this regulation is also observed in every other department.

Quarries.

There are at present but two quarries in operation, with from twenty to thirty convicts in each, one keeper being in each quarry, who directs all the operations of quarrying, such as blasting, splitting stone, &c.: they are under the same regulations and discipline that the shops are; but from their more exposed situation, being in the open field, it is necessary the discipline, if possible, should be more rigidly enforced than in the shops. The keeper, or a convict under his direction, marks the stone the requisite length, breadth and thickness, by drawing lines with a piece of coal, which makes a legible mark; these lines are intersected by others at the spot where the drill holes are to be made; the convicts set at work drilling these stones are required to labor in silence, no instructions being necessary. The convicts who work in the quarries are marched by their keepers to the hill; they are then accompanied to the quarries by the guard, who take their respective stations. About five minutes before bell time a signal is given from the office door, by the hall keeper, which is passed by the guard on post to the quarries, to break off work; the companies immediately form, are counted by their keeper, and if all is right, are marched to the prison, accompanied by the guard; if any one is missing the guard remain on post until he is found, or a thorough search is made for him.

Visitors.

All persons who visit the prison, for business or otherwise, are stopped at the guard-house; those who are on business are passed, by the sergeant of the guard to the office of the prison, without delay: others remain at the guard-house, until permission to enter the prison is obtained by the sergeant, from the Agent, or in his absence, of the deputy: nothing is received from visitors, in consideration of the viewing and examining the prison. The principal calls at this institution are from foreigners, many of whom are commissioned by their respective governments to obtain information respecting the government and discipline of the prison. In all cases where such information is sought, free access is given, and permission to go through and examine every part of the premises, and remain such length of time as they please: all the information which can possibly be given is unhesitatingly and freely communicated to them.

Reception of Convicts.

On the reception of a new convict at this prison he is thoroughly subjected to the necessary operation of being cleansed from the filth and vermin, which it is not uncommon for the convict to bring with him: this operation is performed by convicts, under the direction of the deputy keeper; he is shaved, has his hair cut short, and is clad in the usual striped dress of the prison. A description of his person, age, occupation, place of nativity, &c. is then taken and entered by the clerk, in the prison register: he is then instructed by the Agent, or deputy, in the rules of the prison, which must govern his conduct; and is told that the keepers will expect, and require, the most unqualified and implicit obedience from him in all things: that as he has not heretofore submitted to the laws which govern society, he will now be compelled to submit to the laws which govern the prison; he is reminded that he is sent here for a crime, which, if committed in almost any other country, would, in all probability, have cost him his life: that the laws which have convicted him are not sanguinary, but penitentiary: that he is doomed to suffer a term of years' imprisonment at hard labor, which is intended to reform as well as punish him: that it is necessary for him to remember where he is: that he is no longer free: that his crimes have deprived him of the rights of citizenship; and that here he can not do as he pleases: that he must work with industry and in *perfect silence*; have no *conversation* or *intercourse* whatever with any other convict: that he must approach a keeper respectfully, and be brief in all his communications: that as often as he is caught violating any of the rules of the prison, or disobeying any order which he may receive from a keeper, he will *certainly* be punished: that however repugnant it may be to his feelings, to those rules and orders he must submit; and that the more readily he submits to them the more comfortable will it be for him: that if he believes what is now said to him, and is governed by such belief, he may serve out the whole term of his imprisonment without receiving any other punishment than that which is incidental to his confinement and labor, while if he pursues a contrary course, and manifests a mischievous or obstinate disposition, his punishment will be doubly severe; so that the measure of his punishment will depend altogether upon himself; he can have *much, or little, or none at all*, just as he pleases to deserve by his conduct: that obedience we must and will have; and that we have the most ample means of coercion: he is told he will

have opportunities of religious instruction afforded him, and it is hoped he will be benefitted thereby, and go out of prison a better man than he entered it; at all events he will not go out worse, for he can have no intercourse with other bad men: he is also told that if he attempts to escape it will be done at the risk of his life: that if he can not be secured in any other way, the guards will shoot him if possible; if they should miss him he will be pursued, and every means made use of to retake him: that the chances for either killing or retaking him are altogether in our favor; and that when retaken he will be severely and repeatedly punished for the offence. He is then put into his cell, and told that he must make no noise of any kind, (not even to read his bible aloud:) that he may take down his bunk at any time, but not his blankets during the day, without special permission: when put to work he is instructed by his keeper in all the rules and regulations of the shop, &c.

Discharge of Convicts.

The statutes provide, "that whenever any convict shall be discharged, by pardon or otherwise, it shall be the duty of the Agent to furnish such convict necessary clothing, not exceeding ten dollars in value, and such sum of money, not to exceed three dollars on an average, as the said Agent may deem proper and necessary."

Under the above provision, whenever any convict is discharged, he is clad in a decent suit of clothes, generally the best in the prison wardrobe is selected, (this wardrobe is supplied by the dress which convicts bring with them to prison, all of which are preserved, except such as are filthy with vermin;) is furnished with money according to the distance of the place where he was convicted, (from one to five dollars;) is then admonished, and advised to avoid all idle and profligate company, to apply himself to honest industry, and endeavor to acquire that respectability in society which is in the power of all to obtain who feel disposed to pursue this course. He is then set at liberty, and told, that if he will pay the same attention to the laws of society, which he has paid to the rules of the prison, and work with the same industry for a living, that he has worked for the state, (and he has found from experience that work is not so great a hardship,) there will be no danger of his again becoming the inmate of a State Prison.

Mode of Punishment, and means of enforcing Discipline.

The method of punishing convicts, for transgressing wilfully or obstinately any of the rules and regulations of the prison, is, by inflicting stripes upon their naked back with the cat. These stripes are required to be applied in such a manner as not to expose the head, face or eyes, or in any way to put the convict's health or limbs in danger. This punishment is inflicted with discretion according to the nature of the offence. When convicts obstinately refuse to submit to the rules, by disobedience, or in any other manner, the same means are resorted to for the purpose of coercing them into submission.

The imperious necessity of rigidly enforcing the discipline may be readily realized, if the requirements of the law, and the character of those who are subjected to it, is taken into serious consideration. The requirements of the law are, "All convicts in the State Prisons, (others than such as are confined in solitude, for misconduct in the prison,) shall be kept constantly employed at hard labor during the day time, except when incapable of laboring by reason of sickness or bodily infirmity." "It shall be the duty of the Agents to use their best endeavors to defray all the expenses of the said prisons, by the labor of the prisoners." The legal authority vested in the officers of the State Prisons, is contained in the following extract: "When several convicts combined, or any convict alone, shall offer violence to any officer of a State Prison, or to any other convict, or do, or attempt to do, any injury to the building or any workshop, or to any appurtenances thereof, or attempt to escape, or resist, or disobey any lawful command, the officers of the prison shall use all suitable means to defend themselves, to enforce the observance of discipline, to secure the persons of the offenders, and to prevent any such attempt to escape." The character of a majority of these convicts is of the most desperate kind; they are men who have ever refused to submit to the laws of society, and many of them are only restrained by the fear of immediate death, from taking the lives of their keepers. Having been in habits of association with the most infamous and degraded of their species, they can *feel* nothing but that which comes home to their bodily suffering. It is absolutely necessary for the safety of the lives of the officers, that they be made to know, that *here* they must submit to every regulation, and obey every command of their keepers.

There is one of two things intended to be accomplished by a penitentiary system, either a radical reformation of the heart of offenders, or a restraining influence over their evil propensities.

The French commissioners, in their report on the subject of reformation remark, "To what point is this reformation actually effected? Before we answer this question, it will be necessary to settle the meaning attached to the word reformation. Do we mean by this expression the radical change of a wicked person into an honest man; a change which produces virtues in the place of vices?

"A similar regeneration, if it ever take place, must be very rare. What would it be in fact? To give back its primitive purity to a soul which crime has polluted. But here the difficulty is immense. It would have been much easier for the guilty individual to remain honest, than it is to rise again after his fall.

"We have seen some persons in the United States, who have a strong belief in this reformation from the means used to effect it. Mr. Smith said to us at Auburn, that out of the six hundred and fifty prisoners in that prison, already fifty, at least, were radically reformed, and that he considered them *good christians*. Mr. Barrett, at Wethersfield, thought that of the hundred and eighty prisoners in that penitentiary, already fifteen or twenty were in a state of complete regeneration.

"It would be useless to investigate here, whether Messrs. Smith and Barrett deceived themselves in their estimates; it seems to us that we can admit with them the existence of radical reformation. But, we must be allowed to believe, that the cases are still rarer than they themselves believe. This is at least the opinion of almost all enlightened men with whom we have come into contact in the United States. There exists no human means of proving this complete reformation; how can we prove with ciphers the purity of the soul, the delicacy of sentiments, the innocence of intentions? Society, without power to effect this radical regeneration, is no more capable of proving it if it exist. In the one and the other case, it is an affair of the interior *forum*: in the first case, God alone can act; in the second, God alone can judge. Undoubtedly they (the chaplains of the prisons) are more favorably placed than any body else, to gain the confidence of these unhappy beings, and we are persuaded that they often receive disinterested avowals

and the expressions of sincere repentance. But how much risk do they run of being deceived by hypocritical protestations? The convict, whatever may be his crime, always looks for pardon. The criminal, therefore, has an interest in showing to the chaplain, with whom alone he has moral communications, profound repentance for his crime, and a lively desire to return to virtue. If these sentiments are not sincere, he nevertheless will profess them. At Auburn, one-third of the whole number of pardons is granted on the presumption of reformation. If on the belief of similar regenerations, pardons should be multiplied, it would encourage hypocrisy, and we should soon see the prisoners reform themselves by calculation.

“To resume, we would say positively, if the penitentiary system cannot propose to itself an end other than the radical reformation of which we have just spoken, the Legislature perhaps should abandon this system; not because the aim is not an admirable one, but because it is too rarely obtained. But if it be true, that the radical reformation of a depraved person is only an accidental instead of being a natural consequence of the penitentiary system, it is nevertheless true, that there is another kind of reformation, less thorough than the former, but yet useful for society, and which the system we treat of seems to produce in a natural way. We have no doubt, but that the habits of order to which the prisoner is subjected for several years, influence very considerably his moral conduct after his return to society. The necessity of labor which overcomes his disposition to idleness, the obligation of silence which makes him reflect, the isolation which places him alone in presence of his crime and his suffering, the religious instruction which enlightens and comforts him, the obedience of every moment to inflexible rules, the regularity of a uniform life, in a word, all the circumstances belonging to this severe system, are calculated to produce a deep impression on his mind.

“Perhaps, leaving the prison he is not an honest man; but he has contracted honest habits. He was an idler, now he knows how to work; and the trade which he has learnt in the prison, furnishes him the means of existence which formerly he had not. Without loving virtue, he may detest the crime of which he has suffered the cruel consequences; and if he is not more virtuous, he has become at least more judicious; his morality is not honor, but inte-

rest. His religious faith is perhaps neither lively nor deep; but even supposing that religion has not touched his heart, his mind has contracted habits of order, and he possesses rules for his conduct in life; without having a powerful religious conviction, he has acquired a taste for moral principles which religion affords; finally, if he has not become in truth better, he is at least more obedient to the laws; and that is all which society has a right to demand.

“If we consider the reformation of convicts under this point of view, it seems to us to be obtained, in many cases, through the system which we are considering; and those Americans who have the least confidence in the radical regeneration of criminals, believe, nevertheless, in the existence of a reformation reduced to these more simple terms. The advantages of the penitentiary system of the United States may then be classed in the following manner:

First, impossibility of the mutual corruption of the prisoners.

Secondly, great probability of their contracting habits of obedience and industry, which render them useful citizens.

Thirdly, possibility of a radical reformation.”

Without possessing any means of *proving* this radical reformation, we *can* prove that the system of discipline pursued at this prison, does exercise a powerful control over the vicious propensities of rogues and villains. The comparatively few recommitments of those who have been confined in this prison, and the gradual decrease of convictions in general, (which will be found in the introduction to this work,) notwithstanding the great increase of population, does prove, beyond a question, its effects.

The hope once entertained of producing a general and radical reformation of offenders through a penitentiary system, is abandoned by the most intelligent philanthropists, who now think its chief benefit is in the prevention of crime. In order to attain this end, a State Prison should not be governed in such a manner as to induce rogues to consider it as a comfortable home. They must be *made* to *submit* to its rules, and this by the most energetic means, corporeal punishment for transgression, which to be ef-

fectual must be certain, and inflicted with as little delay as possible; "quick as the thunder follows the lightning, should the punishment follow the offence." It is not so much the actual *pain* inflicted as the *certainty* of its exercise, which produces the *effect*; though the pain *during* castigation is acute, it subsides when that is suspended, and the convict returns to his labor without experiencing any other ill effects; once subdued to the rules and regulations of the prison, he *fears* to transgress, sensible as he is of the scrutinizing eyes of his keepers, who are almost certain to detect him, and conscious of the certainty with which punishment will follow if detected.

There is no other mode of punishment for the violation of the rules, or method of enforcing discipline, which will combine the effect produced, with the advantage of the convicts' labor; by solitary confinement as a means of punishment and of enforcing discipline, the labor of the convict is lost and his health is injured.

In those prisons, where they resort to what is termed milder means of disciplinary punishment, (solitary confinement and starvation) punishment for breaches of discipline are much more frequent than at Sing-Sing, and the lives of the convicts are frequently sacrificed; ten individuals are mentioned as having died in consequence of exercising this method of punishment in the prison of Lamberton, in New-Jersey, while there is no case on record of a convict's having become the victim of corporeal whipping. The superintendent of the Walnut-street prison, Philadelphia, acknowledges that he has incessantly to punish the prisoners for infractions of discipline, while at Sing-Sing we are obliged seldom to resort to it; so that the punishments at these prisons, which are termed milder than those at Sing-Sing, are more frequently repeated, and more fatal to the lives of the prisoners. On the grounds of humanity then, corporeal punishment must precede that of solitary confinement, or of starving the convicts into submission, by feeding them on bread and water.

The total inefficiency of solitary confinement as a means of punishment and coercion, was forcibly illustrated by the insurrection which broke out in the old prison in the city of New-York in 1808, and which was only subdued by firing upon the convicts.

After they were reduced, one hundred of them refused to work; they were put in solitary confinement, and remained seventy days without producing any effect. Thus was two months labor lost, and the object sought after unaccomplished; it injured the health of the subjects, but it did not subdue them; while there is rarely an instance in which convicts are not immediately subdued by the infliction of corporeal whipping.

The more rigid the discipline, and the greater certainty of punishment immediately following any transgression of the rules of the prison, the less frequent will it be necessary to resort to it.

It appeared in evidence before the commissioners, Messrs. Hopkins and Tibbits, appointed to investigate the affairs of the Auburn prison, in 1826, that Mr. Goodell's *mild* system of government at that prison, which was an intentional departure from what *he* considered the too great severity of Capt. Lynds, actually occasioned more punishment in nine months than Capt. Lynds' system did in in four years.

The commissioners say, "the system of Mr. Goodell was an avowed and intentional departure from what he deemed the too great severity of Mr. Lynds. This certainly proceeded from feelings that do honor to his heart; and he seems to have been too far infected by the feelings of those well meaning men in Europe and America, who, without actual acquaintance with the character of criminals, have framed theories *grounded* upon the *supposed* good qualities of convicted felons. He trusted their *honor*, and sought, by kindness shown and confidence reposed, to inspire them with a spirit of willing obedience, and we have seen his reward."

"The cause of increased disorder and of punishment in Mr. Goodell's time are very distinctly traced, by all the experienced keepers in the prison, to the relaxation of discipline; the insolent airs and conduct of prisoners; their taking more liberties and doing less work, or doing it badly. The condescension shown by the principal made them insolent towards the assistants; concealed weapons were found. The desperate attacks of not less than six different convicts upon their keepers broke out during this time, and the assistants consulted anxiously respecting the safety of the

prison." The system of discipline pursued at the Sing-Sing prison, which has produced results so much more favorable than that of any other, viewed in any and every position, requires the most unceasing vigilance on the part of the officers to sustain it; and they on their part require not only the sanction of legal protection, but the aid and co-operation of public opinion. To govern successfully so large a number of convicts as is contained in the Sing-Sing prison, they must be made sensible that the ordinary sympathies of our nature can not be extended towards them; they must feel that they are *powerless*, and it is only by the co-operation of public opinion that this end can be attained. If mistaken sympathy and unprincipled excitements are agitated in community, their bad effects are severely felt within the walls of a prison.

The commissioners of the French government, in their report on American penitentiaries, say, "It is impossible to see the prison of Sing-Sing, and the system of working established there, without being struck with surprise and fear; though the order is perfectly kept, it is owing to a power always active, but which must be re-produced every day, if the whole discipline is not to be endangered; the safety of the keepers is incessantly menaced, and every one of them sees that the preservation of his life depends upon order."

This remark is emphatically true; but this active power can not exist, this order can not be maintained, if public sympathy is extended towards the convicts, and public opposition directed against the officers. Every new convict who enters the prison, enters it with the full determination not to submit to the punishment which he incurs for breaches of discipline. Why? Public sympathy is with him, and he knows it: encouraged by this he breaks through all restraints, disregards the law of silence which has been imposed upon him, and communicates this knowledge to his fellow convicts: by thus uniting their intellect they discover the secret of their strength, collect their whole moral force, and what is the consequence? The discipline must fall; and should this occur, it may be attended with a fearful catastrophe.

These excitements are agitated, by a majority, from the most unprincipled motives; the sympathy exhibited by many is base

mockery; but there are some whose misdirected sympathies emanate from the noblest feelings of our nature; these may find, when too late, that sympathy for *where* convicted felons are, instead of *what* they are, is rank injustice towards the virtuous part of community.

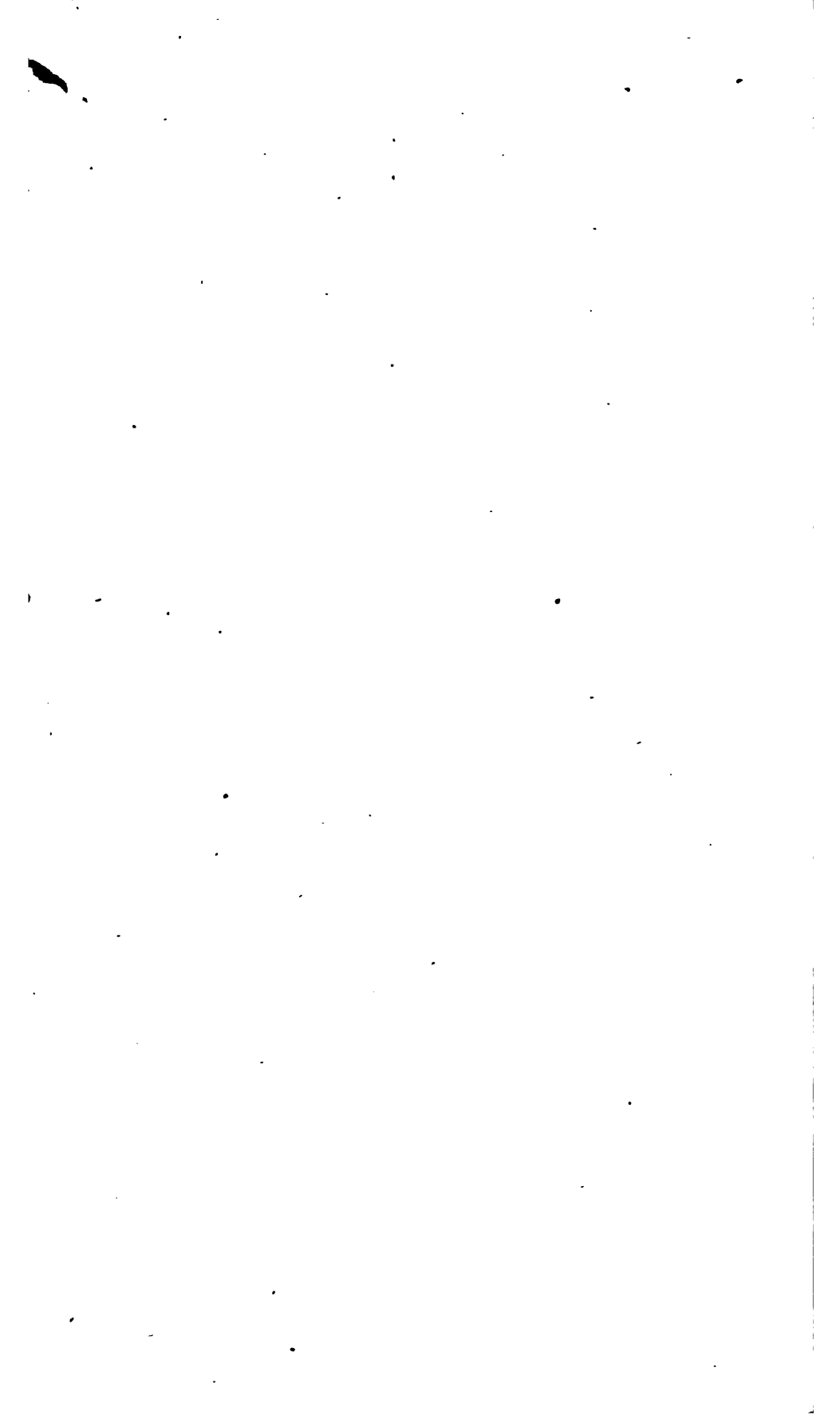


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IN SENATE,

March 10, 1834.

ANNUAL REPORT

**Of George P. Hudson, an Inspector of Sole Leather
for the county of Chenango.**

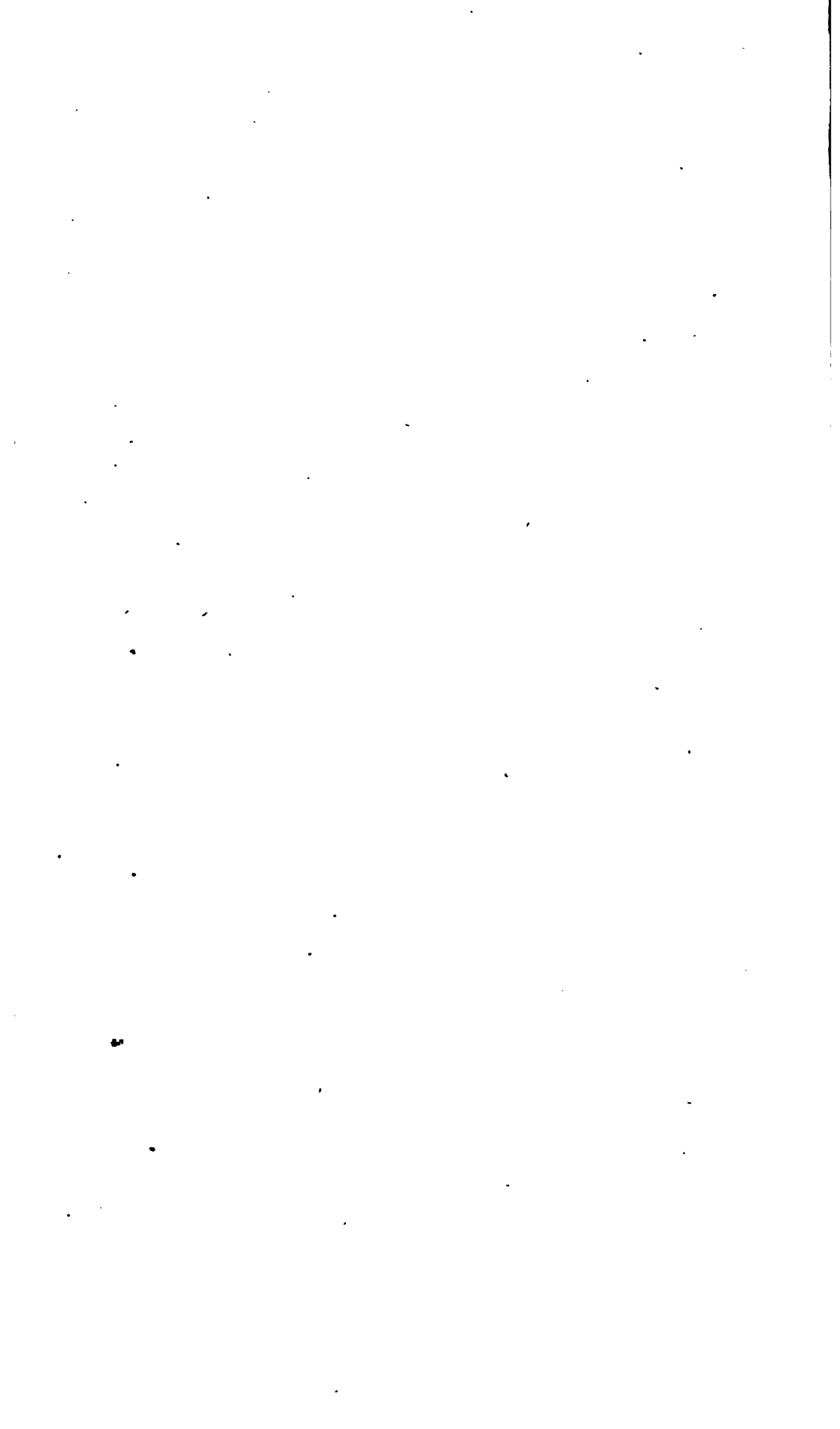
To the Honorable the Legislature of the State of New-York.

The subscriber, one of the inspectors of sole leather for the county of Chenango, in pursuance of the statute, respectfully reports, that the quantity of sole leather inspected by him up to the first day of January last, is eleven hundred and twenty-six sides; that the quality of said leather was generally good, and its value as near as can be estimated, from \$3 to \$3.50 per side. That the amount of the fees and emoluments derived from his office has been \$45.04.

All of which is respectfully submitted.

GEORGE P. HUDSON.

Dated New-Berlin, Feb. 1, 1834.



IN SENATE,

March 14, 1834.

LETTER

From James Perkins, relative to the Seventh Ward Bank.

To the Honorable JOHN TRACY,
President of the Senate.

SIR—

The committee recently appointed by the body over which you preside, "to inquire into the practices resorted to for the purpose of procuring the act of incorporation of the Seventh Ward Bank, in the city of New-York," conceiving that they "were not at liberty to inquire into the distribution of the stock and the organization of the institution," the undersigned, who has been subjected to unmerited obloquy by this restricted inquiry, respectfully requests an investigation of the charges which he herewith prefers against those commissioners, and which charges he is ready to substantiate by competent testimony.

The following are the charges which the undersigned prefers, and holds himself ready to prove.

1st. That James R. Whiting was apprized of, and approved the arrangement made by the undersigned with Mr. John D. Brown.

2d. That James R. Whiting was apprized of Col. Arnold's opposition to the Seventh Ward Bank bill, and authorized the undersigned to strike the name of William S. Coe, as a commissioner, out of the bill, and to insert another name.

3d. That the testimony of the said James R. Whiting before the committee, in these two particulars and others not here mentioned, was untrue.

4th. That three of those commissioners, (to wit: Messrs. Whiting, [Senate No. 94.]

ting, Erban and Scott,) in violation of the charter and of their oaths, in addition to the \$5,000 of stock taken directly, distributed from \$10,000 to \$25,000 to themselves respectively, in an indirect manner.

5th. That stock which had been awarded to subscribers, was erased from the books after the final distribution thereof.

6th. That the course pursued in the distribution of the stock of the said Seventh Ward Bank was partial, proscriptive, arbitrary and corrupt.

The late committee of investigation, though "*not at liberty to inquire into the distribution of the stock,*" having "*found much to applaud in the conduct of the commissioners,*" and also much to censure, based upon the gross misrepresentations of some of those commissioners, the undersigned confidently appeals to the justice of the Senate for a further investigation.

From the particularity with which the committee of investigation have referred to the names of several members of the Legislature, who, though subscribers, did not receive stock, the undersigned was surprised at the omission, both in the report and in the testimony, of the name of the Hon. David Wager, of Oneida, who, as the undersigned informed the committee, solicited and obtained stock in the Seventh Ward Bank, in the name of his brother.

The undersigned herewith encloses the proceedings of a public meeting of the citizens of the seventh ward, condemnatory of the conduct of the commissioners in their distribution of the stock of the Seventh Ward Bank.

All which is respectfully submitted.

JAMES PERKINS.

IN SENATE,

March 13, 1834.

REPORT

Of the select committee on the petition of Jas. P. Allaire and others.

Mr. Van Schaick, from the select committee to whom was referred the memorial of Jas. P. Allaire and others, proprietors of steam-packets between New-York and Charleston,

REPORTED:

The petitioners represent that they have expended a large capital in the prosecution of an experiment to establish a line of steam packets between the ports of New-York and Charleston; that they successfully prosecuted the experiment with one boat last year, and have built another boat, which is to go into the line the present year; and they intend that one boat shall leave each port every Saturday. The petitioners allude to the interest which their experiment has attracted in all parts of the United States, and say, that in order to promote their success, it will be necessary that no embarrassments should be thrown in their way. And they complain that under the peremptory terms of the statute (R. L. vol. 1, page 445,) relating to the mariner's fund, the health commissioner feels it his duty to demand hospital money for each passenger for every voyage, and that the demand occasions embarrassment to the owners and vexation to the passengers. Other considerations are alleged why this demand should not be exacted. And the petition concludes with the prayer, "that an act may be passed placing steam-packets plying between New-York and Charleston upon the same footing with steam-boats from the States of New-Jersey, Connecticut and Rhode-Island, so as to pay for one trip out of every ten, and no more."

The statute referred to by the petitioners provides that the master of each coasting vessel arriving in the port of New-York shall pay for each person on board twenty-five cents; but no coasting vessel from Connecticut, New-Jersey or Rhode-Island, shall pay for more than one voyage in each month.

The contiguity to the port of New-York of the three States named, and the smallness of the craft usually engaged in the intercourse between them, were, no doubt, the reasons why a remission of a portion of the charge for hospital money was made in favor of the navigation from those States. Besides, great numbers of the craft employed in this commerce are market and wood sloops of little value, and conducting a small but indispensable business. The allowances made by the law are in these cases peculiarly fit and proper. And in regard to the steam-boats which profit by this discrimination, it is probable that when the law respecting the collection of hospital moneys was first enacted there were no such boats in existence, and if there were, it is sufficient to say, for the purpose of justifying the policy of the law in making a difference in favor of those plying to and from New-Jersey, Connecticut and Rhode-Island, that the proximity of their rivers, bays and harbors to our great maritime port, gives to the intercourse between those places an identity of feeling and interest more resembling the habits of domestic intercourse than those which grow out of a foreign or coasting trade.

Vessels from beyond Cape Cod to the east, or from beyond Cape May to the south, alike pay the same charge, and there is no reason why, if it should be modified in favor of Charleston, it should not also be reduced in favor of Portland and New-Orleans and every intermediate port.

Your committee have not discovered in the representations set forth by the petitioners, any sufficient reason for attempting to change the provisions of the statute according to their request, and therefore offer the following:

Resolved, That the petitioners have leave to withdraw their petition.

IN SENATE,

March 15, 1834.

REPORT

**Of the joint committee of the Senate and Assembly,
on the memorials from several counties in this
State, relative to the subject of an agricultural
school or schools.**

Mr. Sudam, from the joint committee of the Senate and Assembly, to which was referred the memorials from several counties in this State, on the subject of an agricultural school, or schools,

REPORTED:

That they have had this subject under their serious consideration, and have canvassed all the plans for the promotion of the science of agriculture, which have been presented by the petitioners, or suggested by practical agriculturists.

It appears to the committee that there are only two propositions which it would be necessary to present to the Legislature. One is an annual appropriation of a sum of money to be distributed among the agricultural societies in the several counties of this State, where the county society is or may be organized, to be distributed as premiums in such manner as the societies may direct, and proceeding very much in the plan as heretofore pursued by agricultural societies; and its details will be found in the report of a committee of the Assembly, in Assembly Documents, vol. 4, No. 312, for 1833.

The objections to this appropriation of the public moneys are many, and deserving much attention. Among others, it has been
[Senate No. 97.]

said with much force, that they contributed only in a small degree in diffusing the science among the great body of the people, and that the premiums were invariably awarded to persons of considerable property, who were enabled by the use of manure on a limited piece of ground, to force on extraordinary vegetation, and that they were not essentially beneficial to the great body of the farmers, confined as they were to local cultivation, and unconnected with scientific experiments on an enlarged scale.

The gradual decay of those societies in almost all the counties of the State, would seem to show, that for this and other good causes, the benefits derived were not equal to the expense and trouble of supporting them. The committee however do not in this respect, intend to disparage such societies, by voluntary associations in the counties, nor to interfere with their operations. Being satisfied that much good has been done among the richer portion of farmers entering into competition with each other. What is required by the farmers is a school of instruction for the rising generation, and in the opinion of your committee, the time has arrived to establish and endow such a school.

It has been pressed on the committee, that there ought to be several schools created at the same time, so as to have one at least in every Senate district. The objections to this plan are, that as it is an experiment still wanting the test of time, as to its efficacy and general results; a prudent Legislature would hesitate to authorize so large an expenditure at one time, however satisfied they might be as to its practical usefulness and final success. It is self-evident that much experience will be acquired in the management and economy of such a school, which will be of great use hereafter in organizing similar establishments in different parts of the State, in the studies to be pursued, and in the administration of its police, together with a variety of other considerations, which will readily present themselves to the minds of gentlemen, who reflect on this subject.

The question now is, in what manner can the State aid its citizens in the pursuits of agriculture, so as to lay a sure and safe foundation for the rising generation, without being accused of hasty and rash legislation? In the opinion of your committee, this can

only be done by the liberal endowment of an agricultural school, to be located at some central point, that it may be visited by citizens of this State and foreigners, who may sojourn in our land, with a desire of permanently investing their capital on this side of the Atlantic. It appears to us very clear that to obtain a good opinion of this class, it would be necessary to demonstrate the anxiety of the State, to encourage agricultural pursuits. Gentlemen who emigrate from Europe with the intention of making agriculture the main objects of their separation from their native State, would be gratified to ascertain that in New-York a school of science was provided, to which their children could be sent, with a certainty of liberal and safe instruction; and it cannot be denied that the introduction of foreign capital under such circumstances is always beneficial. Such emigrants are the operatives of their own country; and here it is also worthy of observation, that it would not disparage the character of New-York in leading the march to intellectual improvement in the art of agriculture. Considerations of this description demand attention; but they are of minor importance compared with the lasting and beneficial influence which would diffuse itself throughout the State, raise its character for liberal institutions, and go down to posterity as one of the lasting benefits conferred on it by a wise Legislature.

Your committee are of opinion, that the establishment of an agricultural school will be more beneficial to those who will follow us than who now legislate on the subject; and there is no reasoning so fallacious as that which defers a good act because its benefits cannot be immediately realized by the donors. It is the same in the establishment of colleges, academies, and other seminaries of information; all have been benefitted by those who preceded them; and more particularly to the science of agriculture is the remark applicable. Experience, we say, experience founded on scientific principles is most to be courted, never avoided. It has been said, and truly, of our colleges and academies, how few educated in them have distinguished themselves in proportion to the number educated. This may be granted, but it cannot be denied that many who have not risen to the level of public notice, have done great service in the humble sphere in which they have acted. It is so in all the sciences, and some drones may leave the agricultural school without a relish for its continued pursuit.

We, however, entertain the opinion that this school will be an exception. In the pursuit of *classical* studies, from the ill temper or imperfect knowledge of the teacher, or from some obtusity of intellect in mastering studies requiring much research, the student, young and inexperienced as he is, cannot comprehend why he is made and forced to learn a language, not only differing from his own, but one he is more ready to forget than he was to acquire. We speak on this subject the language of enlightened men in both regions of our globe: a few, a chosen few, in whose bosoms the aspirations of future fame and reputation prevail, will overcome the difficulties, and afterwards pursue the studies which were toils in their youth, but now are the solace of manhood. We can confidently appeal to the Legislature for the truth of this assertion. We do not intend to disparage, or in any manner to withdraw legislative aid to seminaries of learning, in which the higher branches of mathematics in connection with the study of classical authors are taught. Far from it; we have cherished, we have more than cherished them. We have endowed them most liberally; and the reward has been to the State, the facilities of education, common to all persons in moderate circumstances.

Still your committee beg leave respectfully to suggest, that if a student at the age of fourteen years (qualified by a previous course of study) should be placed in an agricultural school, under the direction of competent teachers, under a guarded police, combining the study of agriculture as a *science* with the practical operations of every day on the farm, of which he will be one of the cultivators; where constantly will be submitted to his eye, the effects produced by the various operations of dressing and manures; the variety and component parts of soils, the affinity of one to certain vegetables, and their dislike to others; showing the most profitable mode of husbandry. We ask, do you not fix the mind at such an age to the pursuits of labor, by making labor a pleasure, while you superadd the instinctive desire of gain.

These habits once fixed will not free themselves from our pupils as they are apt to do from other studies, because they are in unison with the every day walks of life; while the pursuits of classical learning call for leisure and years of silent study. The first addresses itself to the feelings and the interests of its professor, the other to his imagination and literary fame.

But this is not all; you afford to students thus educated (if not worth a cent) an opportunity of taking farms for a term of years, which will lay the foundation of their future prosperity. You do more; you create a nursery of young men, who will be enabled to disperse throughout the State a system of practical agriculture, on principles founded on the immutable laws of nature. The flux and reflux of the tide is not more certain, than the advantages of a well educated farmer, whose opinions or prejudices, if you please, are corrected by actual observation and experience, over the ordinary farmer.

But there are other considerations. You will establish a seminary in which young men can and will be reared, to take charge of other schools in such parts of the State as the Legislature may direct. Men accustomed in early life to habits of industry, connected with the science in which they are engaged, able, competent and zealous in the pursuit of objects which promise and award more satisfaction and comfort, than all the political aspirations which dawn upon youth. The earth always yields to her children the reward of their labors and toils.

The committee are apprehensive that this report is already too much extended; but it is a subject to which they desire to do some justice, not only for its merits, but for the blessings it will bestow on their posterity. They proceed to examine some objections.

If it be said that the institute will not immediately benefit the poorer classes of people, as now proposed, they readily admit it; but they answer, that as an experiment, it is but fair to start with an institution which will command scholars, willing and able to pay. The value of their labor, the produce of the farm, its capacity of production, and by the boarding of scholars, will soon demonstrate who is right, on the subject of the school not only paying the interest of the sum invested, but gradually discharging the principal. If we are, then in the process of time, will these benefits be extended to every county in the State, and we need not urge that the cultivator of the soil, is, after all, the main guardian of the liberties of the State.

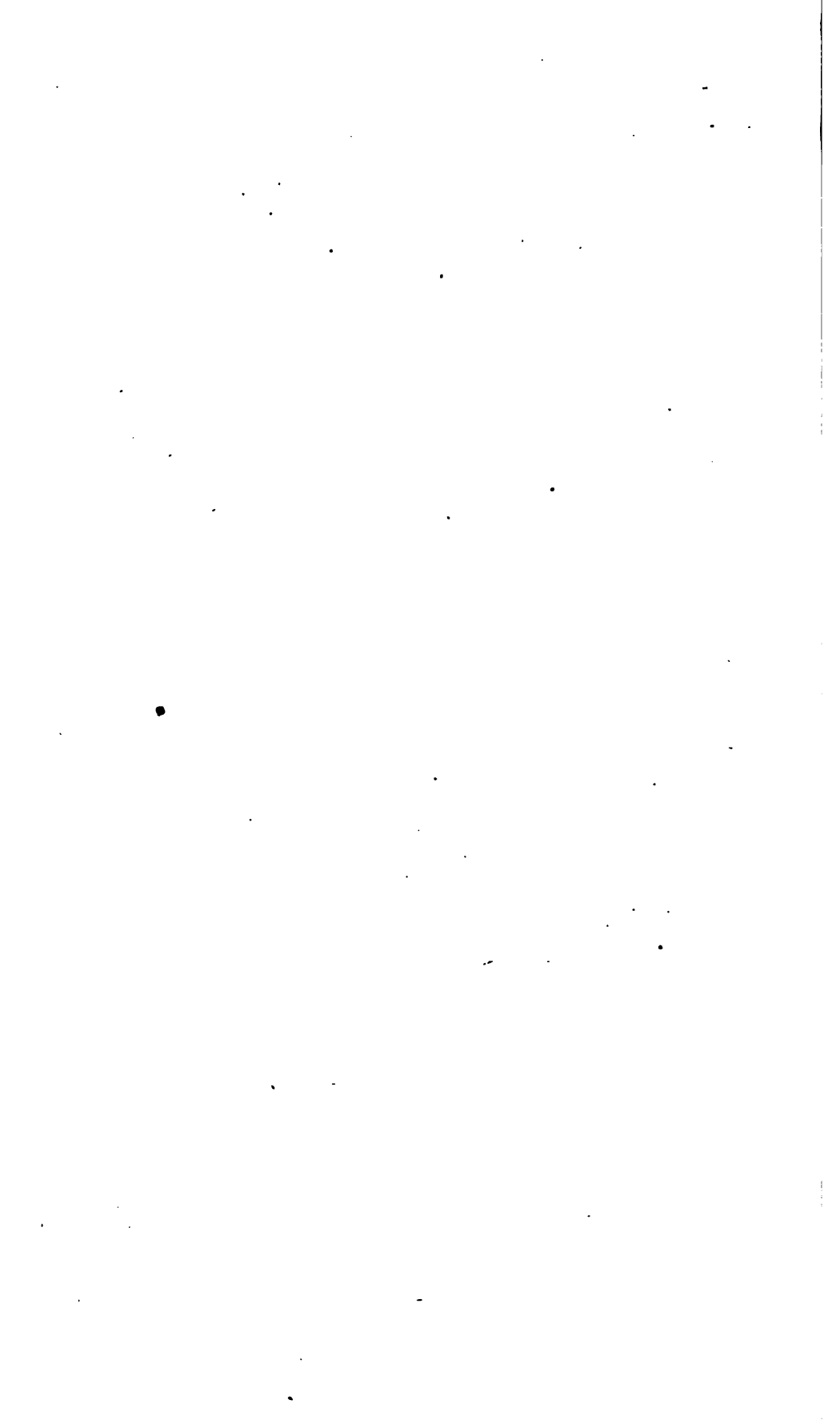
This subject has, however, been before fully discussed, and as we do not desire to repeat, we refer to the report of the Senate committee, which will be found in document No. 79, 2d volume of

Senate Documents, because they are fully aware that if the considerations above presented, should not prove satisfactory, still the enlightened and business like view taken by his Excellency the Governor, in his last message, ought to claim for this subject an early consideration. He says:

“The subjects connected with the pursuits of our constituents, next claim our notice. Among these, agriculture stands first in the order of nature, as well as in the rank of importance. It contributes so essentially to wealth, that the early writers on political economy, regarded it as the only source of wealth. It furnishes the means of human subsistence, and supplies most of the materials for manufactures, and the chief articles of commerce. When the labor of the farmer is bountifully rewarded, all other kinds of industry-partake of its success; whatever, therefore, is done by the government for the agricultural interest redounds to the benefit of every other. There is no occupation which is so diversified in its objects, and requires such various knowledge to conduct it skillfully, as that of agriculture. This knowledge results from experiments in all climates, soils and seasons, and is consequently to be derived from different countries. It receives large contributions from the mechanic arts, and from the sciences of botany, chemistry and natural philosophy. The patronage of the government can scarcely be directed to a more useful object than furnishing the means of collecting information on this subject, and of spreading it among the agricultural population. A board composed of practical farmers and men of scientific acquirements, would possess great facilities for concentrating this various and scattered information; and the best means of disseminating it among the people, would be afforded by a public institution, under the direction of such a board, where agriculture should be taught as a science, and practically illustrated as an art. The general interest felt for this branch of industry, will recommend it to your favor; and its intimate connexion with the permanent prosperity of the State, will make you desirous of contributing to its advancement.”

The committee report the same bill as that of 1833. If the principal meets the approbation of the Legislature, (as they have no doubt it will,) they will be prepared to offer further sections to carry out its provisions; without some expression on the subject, they have not deemed it necessary to proceed farther than a skeleton

bill. But they earnestly recommend this subject to the serious and deliberate consideration of the Legislature, as a measure more important than any which now load our tables; one in which the people, and the whole people, are vitally concerned; one which cannot be productive of any injury to the public, and which presents the fairest prospect of resulting in the greatest possible good.



IN SENATE,

March 17, 1834.

REPORT

**Of the committee on Indian affairs, on the petition
of the Orchard party of Oneida Indians.**

Mr. Seward. from the committee on Indian affairs, to whom were referred the petition of the chiefs of the Orchard party of Oneida Indians, and the report of the Surveyor-General thereon,

REPORTED:

In 1827 the Orchard party of Oneida Indians made a treaty with the people of this State, whereby they sold to the State about 200 acres of their lands, at the rate of \$3.50 cents per acre. No allowance was made for improvements, and the treaty is silent on the subject. The treaty was made on the part of the State by the Surveyor-General, who reports, that "it is not recollected by those who negotiated with the Indians, that any mention was made of improvements." The petitioners represent, that there was included in the 200 acres an improvement of about 25 or 30 acres, worth, at that time, about seven or eight dollars per acre. And they state that the omission to provide for the payment for the improvements was unintentional. They further state in support of their claim, that in all other cases the State has inquired concerning improvements on lands purchased from the Indians, and made allowances for the same; and that the 25 or 30 acres containing the improvements before mentioned were sold at the rate of twenty-two dollars per acre by the State.

The committee are satisfied that the omission to provide for the allowance on account of the improvements was the fault of the Indians themselves; and that they have no legal claim upon the

[Senate No. 98.]

State for a further compensation. Nevertheless, the committee are not sufficiently well informed how far the condition of the Indians, in respect of intelligence and capability for transacting their own affairs, will justify the Legislature in "holding them to their bond."

The committee therefore wish to submit the whole matter to the wisdom of the Senate; and for that purpose ask leave to introduce a bill,

IN SENATE,

March 11, 1834.

ANNUAL REPORT

**Of Henry R. Halsey, an Inspector of Beef and Pork
in the county of Seneca.**

To the Honorable the Legislature of the State of New-York.

I, Henry R. Halsey, inspector of beef and pork, residing in the county of Seneca, do hereby certify and report, that during the year ending on the first day of January last, I have inspected four hundred and thirty-one barrels of pork and beef, of the different qualities hereinafter mentioned, to wit:

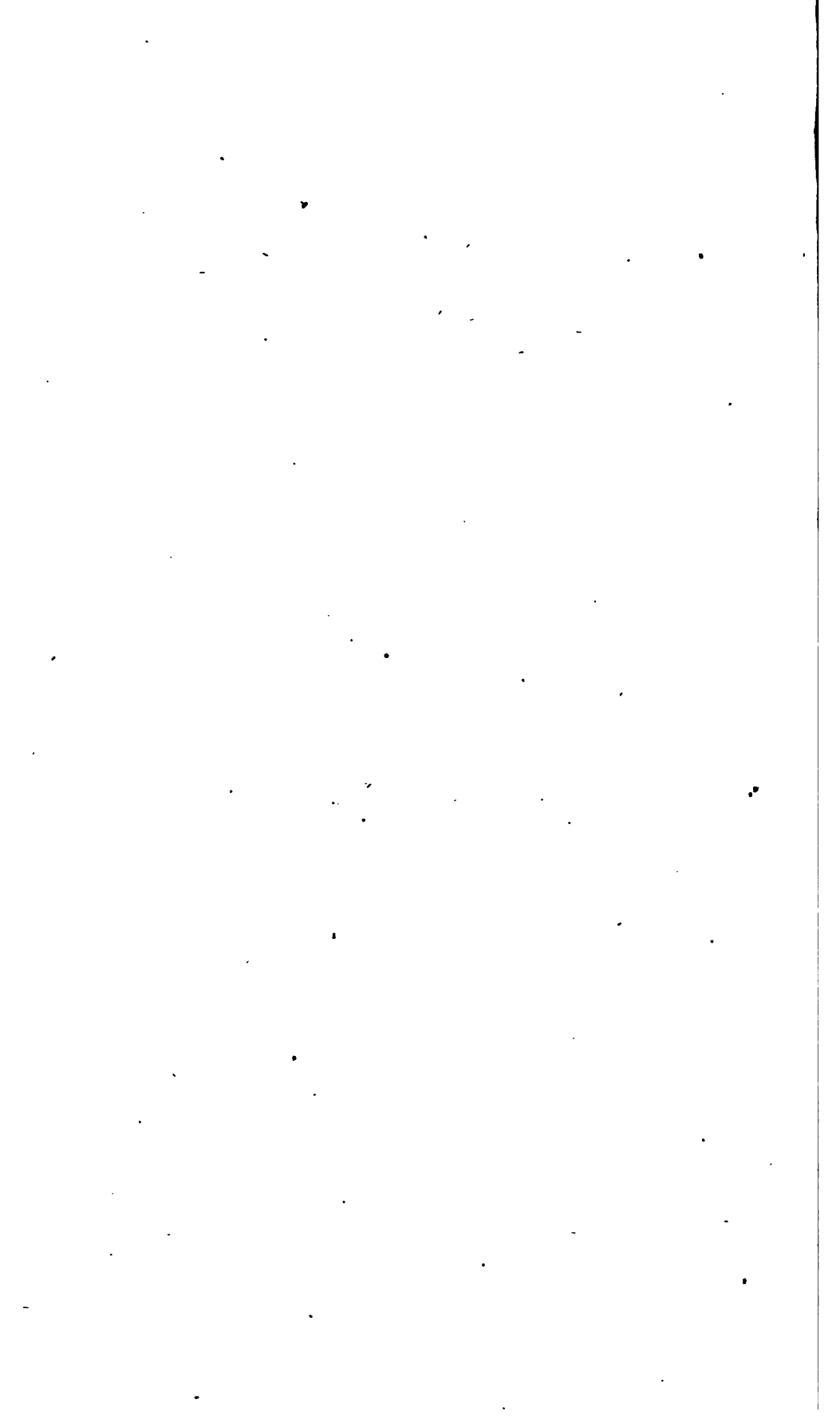
113	bbls. mess pork,	value \$12 50 each, making	\$1,412 50
7	" thin mess pork, . "	10 75	" 75 25
4	" soft mess pork, . "	10 75	" 43 00
239	" prime pork, "	9 50	" 2,270 50
24	" soft prime pork, "	8 62½	" 207 00
3	" mess beef,	7 62½	" 22 87
5	" prime beef,	3 75	" 18 75
1	" cargo beef,	2 75	" 2 75
11	" mess pork,	12 00	" 132 00
24	" prime pork, "	9 00	" 216 00
<hr/> 431 barrels.			<hr/> \$4,400 62

Fees for the inspection of the same, \$64 65

Respectfully submitted. .

HENRY R. HALSEY,
Inspector.

Lodi, February 1st, 1834.



IN SENATE,

March 18, 1834.

REPORT

Of the Surveyor-General, on the petition of Simon Veeder.

The Surveyor-General, on the petition of Simon Veeder, referred to him by the honorable the Senate,

RESPECTFULLY REPORTS, AS FOLLOWS:

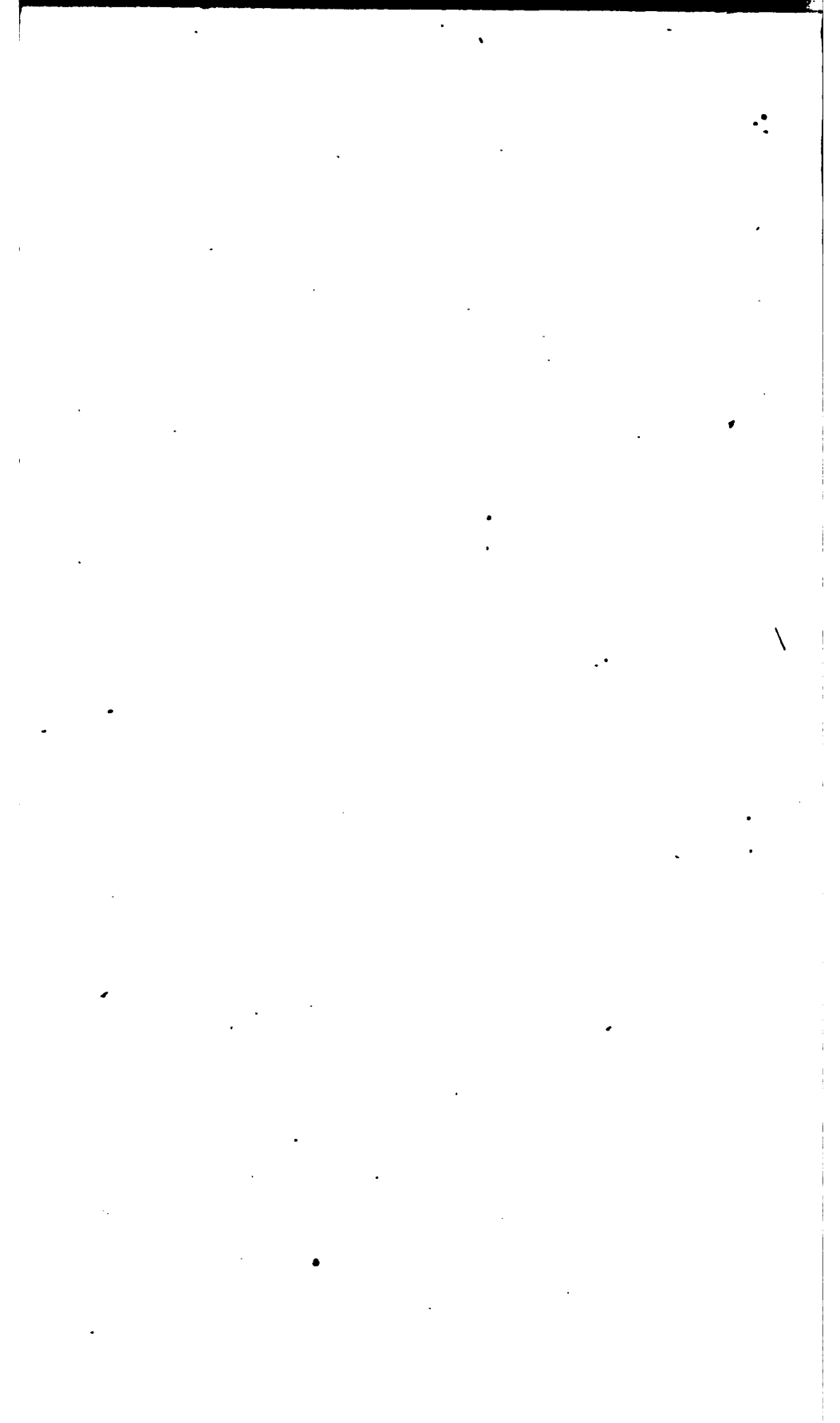
The petitioner states that in 1782 he deposited in the office of the Surveyor-General a location with vouchers for two hundred acres of land, and that he has never received it, nor an equivalent for the same.

A class-right is found among the papers filed in the Surveyor-General's office, which, as appears by an endorsement on it signed by Ph. Schuyler, Surveyor-General, was deposited with him June 1, 1782, together with a location of 200 acres of land, on the north side of the Mohawk river, which on examination was found not liable to be located; and on the 14th January, 1789, Simon Veeder and Volkert Veeder, jointly, made a location on the south side of the Mohawk, with which this class-right was found as one of its vouchers, and a patent has been issued for the same to these two names. On a careful search no other class-right, appearing to have belonged to the petitioner, has been found.

Respectfully submitted.

SIMEON DE WITT,
Surveyor-General.

March 17, 1834.



IN SENATE,

March 22, 1834.

COMMUNICATION

From E. B. Cobb, relative to a State Prison for female convicts.

To the committee on State Prisons, of the Senate.

GENTLEMEN:

In answer to your inquiries in relation to my opinion respecting the several contemplated plans for the confinement of *female convicts*, I would say, that were it not that I have spent more than ten of the last twelve years of my life as an assistant in the Auburn prison, seven of the last of which I had the exclusive charge of the female department, and from that experience have been enabled to draw some conclusions from the many observations that have fell under my notice, I would hesitate to risk my remarks upon a subject so important; but considering that I am honorably bound to the public, as well as to discharge a private obligation to you, I will submit my views with as few remarks as the nature of the subject seems to require.

I believe it is conceded by all who have thoroughly investigated the subject, those who have heretofore held and who now hold, the supreme government of this State, as well as all those who have officiated in the immediate governments of our prisons, that some other than the present method ought to be adopted in regard to our female convicts, to perfect our penitentiary system of discipline. In this conclusion I most sincerely concur, as well as in the argument and report of "the committee on State Prisons, on so much of the Governor's Message as relates to female convicts;" and would further suggest that the offer of Mr. Blackman and others upon the plan proposed by them for building a separate establishment, shows conclusively that the expenses will not exceed

the expense that will be otherwise incurred upon the plan of building separate prisons attached to the others; and by contrasting the expenses of building at either of the other prisons, it will be seen, that the argument on building by the contract, thus offered, is materially in favor of the separate prison; and aside from other arguments, two small buildings of any reasonable convenience, will cost more than one large one of the same convenience, for the same occupants.

The expense in government will be in favor of the separate prison, if the same system of discipline is observed.

The separate prison will require one principal who may officiate as agent, keeper and clerk, salary say \$300 00

Two guard will also be necessary; one at the gate during the day, and one to patrol under the direction of the agent at night, to give alarm on any accident, and in case of sudden illness:

Salaries each \$300, \$600 00

The agent must keep the keys of all the rooms in his possession; and he cannot be subjected to night labor, otherwise than when accident renders it necessary. In this case, one guard should be in attendance, to give the agent information of all extraordinary occurrences, who must immediately attend; and when all is right, return the key back to his own apartment.

Two matrons only will be necessary to attend to the superintendence of labor and instruction, and relieve each other for meals, as well as all other necessary occasion:

Salaries, say each \$200, \$400 00

Medical assistance by contract, say 200 00

Total amount of necessary salaries in separate prison, \$2,000 00

If the present system of government is continued in each of the prisons, the following additional officers will be required:

One turnkey at Sing-Sing, salary \$550 00

One do. at Auburn, salary 450 00

Duties.—To lock and unlock the cells, and return the keys to the key-room; to superintend the taking in of food, and returning the dishes; also the taking in of

Carried forward, \$1,000 00

Brought forward,..... \$1,000 00

such materials as may be furnished for their labor; unlock for the physician to attend the sick; to superintend the carrying in of wood, water, and all other necessary materials, which must be done under the vigilant inspection of a keeper; but if the establishment were separate, females could be allowed to range within the walls for exercise, and attend to all these concerns, without the aid of male servants. He must also attend to the report of the matrons; and when it becomes necessary, must execute such punishment, under the order of the agent, as the laws will justify and humanity dictate. This officer, therefore, will be indispensable in each prison.

One additional guard will also be required at each establishment, to patrol the gallery of the females during the night, and give alarm in case of sickness, fire, &c. as before observed :

Salaries each, \$300,..... \$600 00

It is evident that this duty cannot be imposed upon the Turnkey, and the guard must have the day for rest and repose.

Two matrons will also be necessary to the various duties of attention at each prison, as above described for a separate establishment. Their duties must be the same, and their attention is continually necessary to keep up one routine of discipline and order :

Salaries each, \$200,..... 800 00

Total amount of expenses for salaries at the two prisons, \$2,400 00

In the above estimation of salaries to officers to all the departments in a separate prison, I conceive that I have made ample provision for each department, and I submit with deference whether it will be thought that the allowance is estimated too highly for the officers in the several departments, if it shall be considered that two prisons ought to be preferred.

It will be seen by the above estimate that the salaries to the necessary officers are, in the aggregate, less for the support of a separate prison, than to support two, by the annual sum of \$400.

It may be argued that one matron will be sufficient at each prison, but it is evident two will be necessary if you intend to carry into effect the system of preventing intercourse by conversation, and the free association of the novice in crime with the more practised, hardened and abandoned criminal; and, sir, unless that is done, I would suggest whether you can reasonably anticipate any reform.

After an estimate of building and the salary expenses, we turn to the question of profit.

Although we may indulge the belief that the number of convicts will be yearly increased, yet at a safe calculation, the present number of sixty (allowing ten to be constantly sick and indisposed, with the necessary cooks and waiters,) will, at the offer of Mr. Blackman and others, yield a nett sum of two thousand six hundred dollars yearly for ten years, which is six hundred dollars more than sufficient to pay all the necessary salaries. These will be employed at light labor, in attending threads at weaving by water power, and will in no way interfere with the industrious females who earn their bread with the needle; but if they are divided, their labor will be thrown into the general scale of other mechanics.

There is no water power at Sing-Sing, and none that is not otherwise appropriated at Auburn, and females cannot be steadily employed at the common loom; this was tested at Auburn, and abandoned some three years ago, consequently females cannot be employed (in the prisons attached to the others,) at any useful labor except making clothing for the males; and in those large institutions there are always a sufficient number of invalids to do this, including tailors, who are frequently ordered off the board for a limited period at light labor for exercise,

But allowing, for the sake of argument, that females might be employed with the needle at such various duties as would produce an equal revenue to that offered by contractors, would it be right? I am satisfied that it would be highly injurious to their healths to confine them steadily at sewing through the day, after having been confined in their cells for twelve hours during the night. Females require more or less exercise, and are in general of too feeble constitutions to admit too much restraint, and are also liable to sudden diseases peculiar to their sex; hence the impropriety of being locked up in separate cells, and being left without a guard on duty at night.

I have examined, at your request, the manner and kind of labor at Port-Schuyler, and if I am not deceived in the representation made to me upon the subject, I am satisfied that it is the easiest and best method of disposing of their time; and from my knowledge of their dispositions, I am confident that it is such exercise as the most of them would desire. It will require their strict attention, and prevent their being otherwise occupied; and at the same time a light and easy exercise, most adapted to their sex.

The next question that should engage our serious attention is, is it probable that the female offenders will be more likely to be reclaimed if confined in one prison, under charge of a keeper whose whole and undivided attention is given to that object, than if they were under the charge of one, whose attention is necessarily divided in governing two establishments? It appears to me that we need not hesitate for a moment in coming to the conclusion. You know that it is the pride and *interest* of the keepers who have charge of the other institutions, to show off and expose their public acts to the best advantage. This is shown by the annual reports of the inspectors to the Legislature, and the keeper for a separate prison for females, will be stimulated by the same impulse.

But, unhappily, too high an estimate is often made of the expenses incurred, or advantages accrued, without a due consideration of the effect that a moral system of discipline may have upon the subject, while in prison and in after life. If the female convicts are attached to the other establishments, I suggest, whether they will not be treated as they always have been, as a *burden* to the active operations of those institutions; and from their inability to perform as much as males, they will be necessarily neglected. And as males command, (in consequence of their number and the many mechanical operations at which they are employed,) much more attention, the keeper's duty will be drawn from the feeble and unproductive, to the stronger and more important part of his command. Besides the different character and conduct which it is necessary to assume and exert between the two sexes, in order to a right government of them both, forbids that one man can assume and support two characters in one day; hence the improbability, under two governments, of that progress and reform that might be anticipated under one. But on the contrary, where there is a special sum specified for the weekly labor of the females, and that labor is of that easy task which is proposed by this company,

the keeper has only his attention bent upon the improvement of his charge, and is left at liberty to adopt every art that his invention can point out. He has, also, an enviable opportunity to build the pride of his heart upon the prospects of reclaiming the guilty.

It has been thought that females are wholly irreclaimable; but this doctrine can not be maintained, for practical experience has happily disproved it in many cases that have fell under my notice at Auburn, and warrants the assertion, that if further advantages were held out, and the trammels of additional charge, &c. taken from the keeper who superintends them, it would enable him to establish a happy and salutary government, that could not fail to be effectual in a considerable portion of that class of criminals.

You will recollect, sir, that this doctrine prevailed in regard to males, and was almost fully established, until the present salutary system was introduced and practised at Auburn. The effect of which I need not point out to you, except to remark, that if the females were capable, from the nature of their duty, &c. to receive the same attention from the keeper that the males do, the effect would be about the same.

Although I admit the number who have been actually reclaimed may be few; yet there are *four*, (who were under my charge at Auburn,) who I have good evidence to believe are wholly reclaimed. One is at the head of a respectable family; and two others are communicants of churches, in good standing. Several other cases have accidentally fell under my notice, where the subject appeared behave with common propriety, and of whom I have heard of no ill report. I am unable to conceive the full extent of reform in females, as I have taken but little trouble to inquire further than accidental opportunities offered; nor has there been but little public inquiry elicited on this subject: while on the contrary the reformation of every male subject has been a theme of congratulation and applause.

You will also recollect that it was currently reported, in the newspapers, some eight years ago, that eight females, then at Auburn, were of more trouble to manage than all the males, (which were about 400.) Now, Sir, I submit whether if you change the tables, and put eight men, of almost as many languages, tongues and nations, into one apartment, (*because the law makes no other provision*,) these eight men, of various dispositions, habits and in-

clinations, would not be as troublesome as those females were represented to be; and whether, if you place 400 females under the immediate inspection of twenty keepers and about half the same number of guards, they would not be as easily managed and controlled as the same number of males.

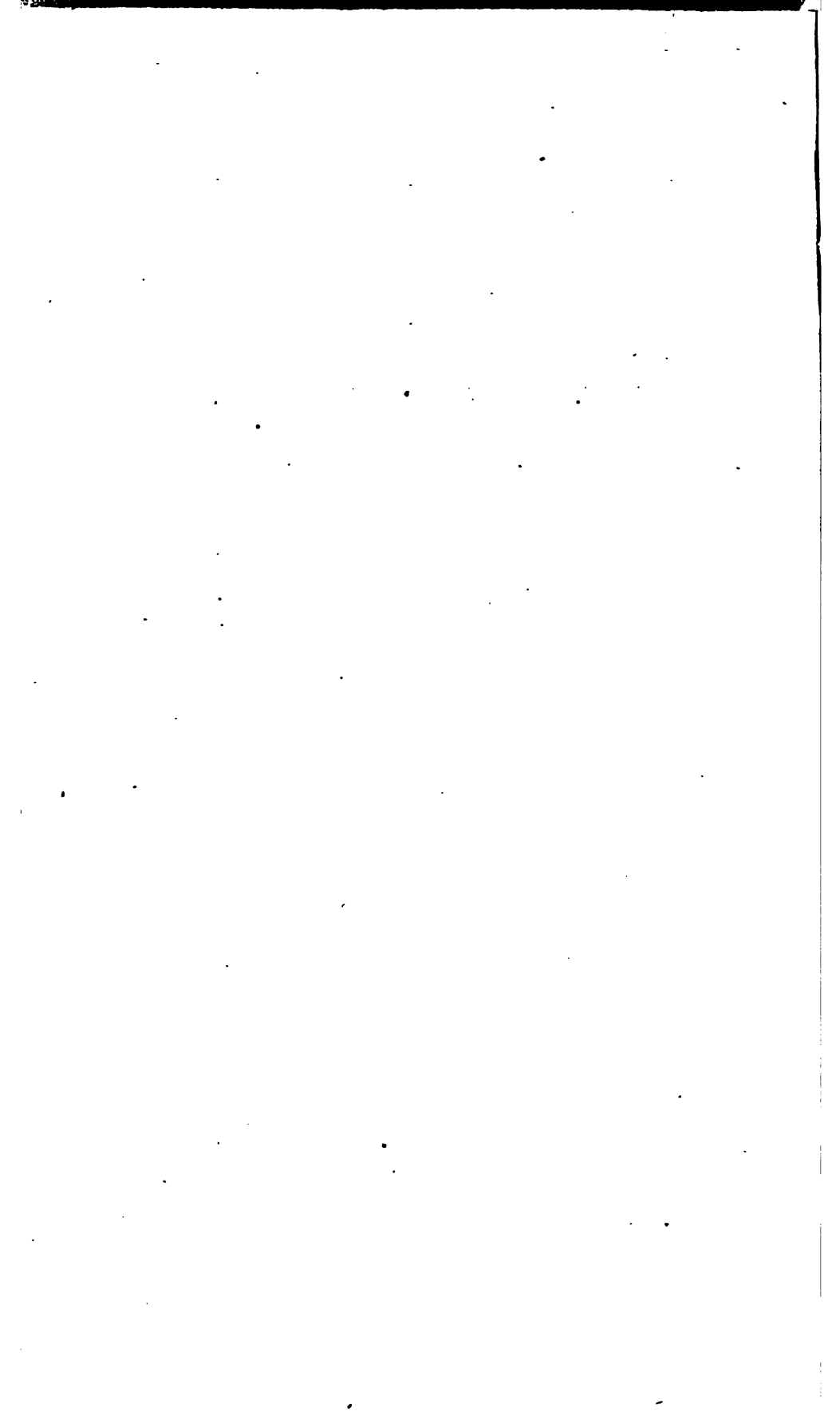
In fine, my reflections lead me to the conclusion that a separate prison for females can be made to realize the highest expectations, if a system of government shall be adopted consistent with their condition. Among other regulations I would suggest that a society of pious and estimable females be admitted to associate, under the inspection of the Agent, to instruct, advise and sympathise with the unfortunate of their sex, many of whose feelings will be ever after materially affected. Other regulations may be adopted calculated to assuage their sufferings and soften the grosser passions, until a reform is more or less accomplished.

We have above observed that females can not bear too much confinement. For example, two black women, of apparent healthy constitutions, were sentenced to solitary confinement at Auburn, in 1822. In less than a year after, they were attacked with a pulmonary disease, and died. I am sanguine in the opinion that more or less daily exercise, varying in its nature and application, will be indispensable to preserve health, if the females are confined in separate cells at night: this exercise can not be anticipated at a prison attached to each of the others; but the labor of attending threads at weaving, will, in my opinion, afford sufficient bodily exercise. And their minds may be also exercised by attending a Sabbath school on Sundays. There are many of those females who can not read at all. One reason for the commission of crime is *want of education*: and I need not suggest to you the benefits that must of necessity result to that unfortunate class by a Sunday school regulation; while it improves the understanding and gives scope of thought during the labor of the week, it also relieves the system from the effect of close confinement, and during those hours of religious devotion and mental improvement, forms the habits of the mind to gentleness, religion and morality.

I am very respectfully,
Your humble servant,

E. B. COBB.

Albany, March 22d, 1834.



IN SENATE,

March 24, 1834.

Message from the Governor.

FELLOW-CITIZENS OF THE SENATE AND ASSEMBLY:

Since my communication to the Legislature at the commencement of the present session, the unusual derangement of the business operations of the community has been such, as in my judgment to render it the duty of the Executive to call your attention to the subject.

It was not then perceived that the order of the Treasury Department, directing the accruing receipts of the public moneys to be deposited in the local banks instead of the Bank of the United States, could essentially interrupt the business transactions of the community; nor is it now supposed that any necessary connection exists between that act, and the present state of commercial embarrassment.

Although it was known that the Bank of the United States had commenced a rapid curtailment of its debt anterior to the action of the government upon the deposits, and had actually reduced it more than four millions of dollars during the sixty days previous to the first of October, when the order of the Secretary took effect; yet as the government had directed the change to be made in a manner best calculated to avoid any pressure upon the bank or injury to the community, it was not reasonable to suppose that the occasion would have been seized for the purpose of giving an unnecessary shock to business, much less of exciting a causeless panic. Certain it is, however, that since the change referred to, such has been the attitude assumed by that institution in regard to the local banks, that the latter are unable to afford to the community those assurances of future accommodations, which are so essentially necessary to inspire confidence among business men in entering into new engagements.

The partisans of that institution, and certain presses devoted to its recharter, by systematic and persevering efforts in disseminating distrust of the credit of our monied institutions, particularly

those of this State, of the credit of individuals, of the resources of the country, and its ability to meet the crisis; and by endeavoring to fasten public opinion upon this act of the government as the cause of all the depression which has been experienced, as well as that which is daily predicted and held up to the public view in a distorted and exaggerated form; have also produced an excitement among the business community, calculated essentially to aggravate the pressure, and prolong its existence.

Looking at the immense wealth and resources of the country—presenting externally, as indicated by the course of exchange, an appearance of prosperity unknown for many years, and internally, until within a short period, the same favorable appearance, as indicated by abundant crops, fair prices, active mercantile and manufacturing operations; it appears to be impossible that the existing state of things should have sprung from a cause so inadequate as the mere substitution of one place for another as the depository of the accruing receipts by the government.

Although the removal of the deposits, effected as it was prospectively, and operating upon the funds in hand, not withdrawing the whole suddenly, but gradually, as the wants of the government required, furnished of itself no sufficient cause for the results which in point of time have followed it; yet it is said that its operation has been to derange the currency, to destroy confidence, and thus to produce the present embarrassment.

It is undoubtedly true that much of the pressure upon the money market has been occasioned by the destruction of confidence; but it is not easy to perceive how that is to be charged as the necessary consequence of the action of the government. It is the consequence of the attitude assumed by the Bank of the United States towards other banks—an attitude not necessary, although its advocates attempt to justify it, either as a measure of retaliation upon the government, or for the purpose of compelling those institutions to surrender or to refuse to accept the public deposits.

Nor is it easy to perceive how the action of government should of necessity derange the currency or the commercial operations of the country, through the medium of domestic exchanges. The ability of the bank to conduct all ordinary business, has not been essentially impaired, and its amount of discounted bills of exchange is at this moment as large or about as large as it ever has been. Whatever inconveniences may have resulted from its refusal latterly to furnish drafts at sight between its different offices at the

usual rates, (and these inconveniences undoubtedly have been great,) would seem, therefore, to be of its own creation, or the result of that position in regard to the other banks which it has chosen to assume.

It is believed that the principal causes of the present embarrassment have no essential connection with the removal of the deposits.

In December, 1830, the Bank of the United States commenced a rapid increase of its loans and circulation, and continued augmenting them until May, 1832, having within that period added about twenty-eight millions of dollars to its accommodations to the public, and over four millions to its notes in circulation. The necessary consequence of such a large and sudden increase of facilities to business men, was to encourage a corresponding liberality on the part of the local banks, overaction in trade, and to stimulate to excess the industry and enterprise of the country. At all events, since that period, foreign commercial operations, domestic trade and manufactures, speculations in stocks, lands and produce, have been carried on to an extent and upon a scale before entirely unknown.

The policy of contraction on the part of the Bank, which immediately followed this unexampled expansion, had scarcely been commenced when the tariff law of July, 1832, went into effect, the operation of which, with its subsequent modification, was well calculated to develop the injurious consequences of the overtrading which had preceded.

Under the former law, duties to the amount of about fifteen millions annually accrued upon imports at the port of New-York, the payment of which was secured by bonds payable at different periods, some as long as eighteen months. As the merchandize was generally sold by the importer, soon after the execution of his bond for the duties, it is obvious that the credit afforded by the government, was to him equivalent to so much capital until the time of payment should arrive. Before this time, a fresh importation enabled him to create a new credit, and thus a very large amount of capital was constantly in use among those engaged in commercial pursuits.

The law of July, 1832, considerably reduced the amount of duties, while that of 1833, operated still further to diminish the capital of the importer thus derived from government credits, by admitting many new articles to the free list, by shortening the

bonds in some cases, and by substituting cash payments on many articles subject to duty.

This law took effect on the fourth of March 1833, and during the past year the bonds of the preceding year have been falling due, while the shortened bonds and cash duties have created an additional demand for money, thus casting upon the importer the burthen of repaying the capital formerly loaned to him by the government, and also of paying the cash duties required upon his recent importations. It has been estimated that the effect of this law has been equivalent to the withdrawal from commercial investments of from twelve to thirteen millions of capital.

The depressed rate of foreign exchange also, although an indication favorable to the general condition of the country, has, it is understood, prevented the drawing of considerable sums of money from Europe, the proceeds of produce as well as of stocks sold abroad.

These causes, together with the rapid curtailment of its debt by the United States bank, between the first days of August and December, amounting to nearly ten millions of dollars, and all operating upon a state of trade unusually and extravagantly extended, are supposed to be sufficient to account for most of the distress hitherto experienced.

The severity of the pressure in New-York, has undoubtedly been very much mitigated, by placing the public deposits in the local banks, which have thereby been enabled to discount, and have actually discounted upwards of four millions more than they otherwise could have done.

And as the charter was soon to expire, and the bank had actually commenced its curtailments sometime previous to the action of the government, that action would seem to have been indispensably necessary for the protection of the public, so far as the funds of the government would afford the means. This measure, however, which as we have seen, involved no necessary destruction of individual confidence or credit, no necessary derangement of ordinary commercial operations, much less any necessity for the panic which has followed, has furnished to the bank the pretext for placing itself in a new and menacing attitude, and to its partizans the occasion of wantonly sporting with the fears of the timid, the standing of the weak, the stability of the currency, and the credit of our monied institutions.

This Corporation, brought into existence for the purpose of subserving the general good, (if for any justifiable purpose,) seems to be bending the whole of its prodigious energies towards compelling the people, by force of pecuniary suffering, to acknowledge the necessity of its recharter.

Our constituents have distinctly expressed their unbiassed judgment upon the question of recharter; and I cannot doubt that they possess sufficient patriotism to meet any crisis, which the controversy may produce, and that in the maintenance of principles of vital importance to themselves and to posterity, they will be ready to endure any pecuniary privation, rather than to submit to the dictation of a great monied power.

From recent debates in the National Legislature; from the tone of the presses which advocate the cause of the Bank; from the language of public meetings; from the organizations of party; and from other indications too plain to be mistaken, the efforts on the part of the Bank seem to be directed especially against the monied institutions and the business relations of the State of New-York. Under such circumstances, I deem it the imperative duty of the State to put forth its energies to aid these institutions in the struggle, and to protect its citizens from oppression. Connected as these institutions are, with the industry and prosperity of the State, all classes of our constituents, whether agricultural, mercantile or manufacturing, are equally interested in their welfare.

I am furnished by the Bank Commissioners, with a statement of the condition of the banks subject to their supervision on the fourth of March instant, by which it appears that their circulation had been diminished since the first day of January last, more than three millions of dollars; and that the country institutions, or those located out of the cities of New-York and Albany, while they had reduced their loans and discounts only about \$600,000, had reduced their circulation about two millions of dollars. The entire resources of the country banks on the fourth of March, excluding the bank fund, amounted to \$21,984,000, and their entire liabilities to \$12,462,000. Notwithstanding the redemption, between those dates, of about two millions of their paper, the reduction of their specie was less than \$25,000; and their immediate means of redemption, consisting of specie at home and funds on deposit in Albany and New-York, subject to be drawn at sight, amounted to more than thirty-five per cent. of their whole circulation.

So far, therefore, as the banks themselves are concerned, I entertain not the slightest doubt, either of their present or future ability to meet any crisis that can occur; but under a state of things which may be imagined, a proper regard for their own safety, may put it out of their power to afford those accommodations to the public, which its interests may require.

The Bank of the United States has recently declared its intention to continue its curtailments, but in what ratio we know not. It probably has due to it in this State about seven millions; and what portion of this amount our citizens may be called upon to pay before the next session of the Legislature, cannot now be determined. If this amount shall be called in rapidly, our banks must necessarily strengthen themselves by calling in a portion of their debt; and thus it will be in the power of the Bank of the United States, if it should have the disposition, to occasion serious embarrassment to all classes of the community, unless the Legislature make some suitable provision to guard against such a result.

It has been suggested to me by several intelligent and practical gentlemen from the city of New-York, for whom and for whose opinion I entertain the highest respect, and who, I am sure, were governed by no motives of individual interest in the matter, that the establishment of a large banking institution in that city was called for at the present time. A capital of eight or ten millions was mentioned; and it was proposed that the State should take one half, and pay for it by a State stock, bearing an interest of four or five per cent., redeemable at the expiration of the charter; the balance of stock to be distributed by commissioners to be appointed by the Governor and Senate, or in such other manner as should be thought best; the State to appoint its share of directors; the rate of discount to be fixed at six per cent., and if deemed proper, the surplus profits over six or seven per cent. per annum to be paid into the State treasury; the institution to issue no notes under twenty dollars, and in other respects to be made subject to the general laws of the State, reserving to the Legislature the usual right to modify or repeal the charter.

It was urged that the stock issued by the State might readily be disposed of in Europe for specie, and that such a charter would furnish a sufficient inducement to insure the necessary subscriptions for the residue of the capital; that such an institution would be able to take the debt now due to the United States Bank in this State, whenever it should be called in; to furnish the requisite facilities to the commercial interests of the city of New-York in

the discount and collection of domestic exchange; to acquire a character in Europe which would enable it to sustain mercantile credit in times of revulsion in trade; and, in short, to exercise a healthful influence over all the diversified interests of that great city, and consequently over every branch of industry throughout the State.

Although many of the advantages anticipated from an institution of such a character, might and probably would be realized, there are, nevertheless, objections to this proposition, of serious if not preponderating weight. It is deemed by many to be objectionable in principle for any government to engage in the ordinary pursuits of individual enterprise. Such an institution, possessing ample powers over the currency of the State, which, properly directed, might be productive of salutary effects, might also, by a misdirection of its efforts, be equally capable of producing serious and extensive injury. It might in its administration be subject to the fluctuations of political power, and thereby be in danger of becoming an engine wielded to subserve the interests of a party. It might, by the acquisition of political influence, paralyze the controlling power reserved to the Legislature; it might, for the purpose of acquiring this influence, openly take the field of party politics, and exhibit the disgusting spectacle, with which we are already too familiar, of a large monied corporation arrayed in political opposition to the government of the country.

Unless, therefore, such an institution, or one of a somewhat similar character, should be found indispensably necessary to enable us to counteract a greater evil, I should be unwilling to hazard so dangerous an experiment.

It has occurred to me, that a remedy, as well for the existing evil, as for the inconvenience which may in any event result from the withdrawal of the capital now employed by the Bank in this State, may be provided, by the issue of a State Stock, if necessary, to the amount of four or five millions of dollars, and by increasing the ability of the banks in the city of New-York with loans of this stock, in such manner as would be perfectly safe to the State, and at the same time enable them to extend their accommodations so as to supply the amount of capital to be withdrawn by the Branch in that city. It is due to the city banks to say, that this suggestion does not proceed from them; they have thus far sustained themselves with creditable ability, and feel a perfect confidence in their resources to do so under any emergency that may happen; but the suggestion is intended for the relief of the whole community, by

sustaining the markets for our agricultural and manufacturing productions, and giving activity and vigor to commercial enterprise.

Should this measure be adopted, the necessity will at once be perceived of imposing upon certain persons to be designated by the Legislature, the power and responsibility of carrying it into effect. Ample provision should be made to secure the regular payment of interest, and the ultimate redemption of the stock by the banks to which the loans may be made, so that the State will neither be subject to inconvenience, nor incur any responsibility beyond the loan of its credit to stable and well conducted institutions. It may also be necessary to provide, that during the continuance of the loans to the banks, they shall possess the power of discounting upon them as upon so much additional capital, without allowing them to extend their circulation beyond the limits now prescribed by law. The banks in New-York, from their position, must necessarily meet and sustain the first shock of any pressure upon the money market, and by strengthening them therefore, we aid every branch of industry throughout the State. A depression in the city necessarily affects prices in the country, and operates to the injury of the agricultural, as well as the manufacturing and mercantile interests of the whole State. Should it be deemed advisable, a portion of this stock might be disposed of, and the avails loaned in the different counties of the State through the agency of the county loan officers, as has heretofore been done on several occasions, to the great relief of the community.

It is not doubted that the State, by the loan of its credit in some such manner, may, without incurring any loss or inconvenience, do much to sustain the great interests of the people, if the necessity for it should arise; and I cannot entertain the slightest doubt that the measure would meet with their cordial approbation.

Being perfectly satisfied, that the energies and resources of this State, will enable it to bear up against any temporary depression of business which can be anticipated; that in this desperate struggle by a great monied power to perpetuate its own existence by the force of its pressure upon the community, the patriotism of the people will be found to rise, regardless of mere pecuniary sacrifices: and that it is the duty of the State to stand forth in its strength, and by the use of its credit and the sanction of its name, to shield its institutions and its citizens from harm; I commit the entire subject to your deliberate consideration.

W. L. MARCY.

Albany, March 22, 1834.

IN SENATE,

March 21, 1834.

REPORT

**Of the Commissioners of the Land-Office, on the
petition of John Hadcock.**

The Commissioners of the Land-Office, on the petition of John Hadcock, referred to them by the honorable the Senate,

RESPECTFULLY REPORT:

That by the treaty with the Orchard party of Oneida Indians in 1827, it was stipulated that fifty acres of their land as therein described, should be granted by letters patent to the petitioner, but on actual survey it was found that there was only forty-five acres, which the petitioner will accept in full for his claim under said treaty. The Commissioners of the Land-Office consider it proper that an act should be passed authorising the grant.

Respectfully submitted.

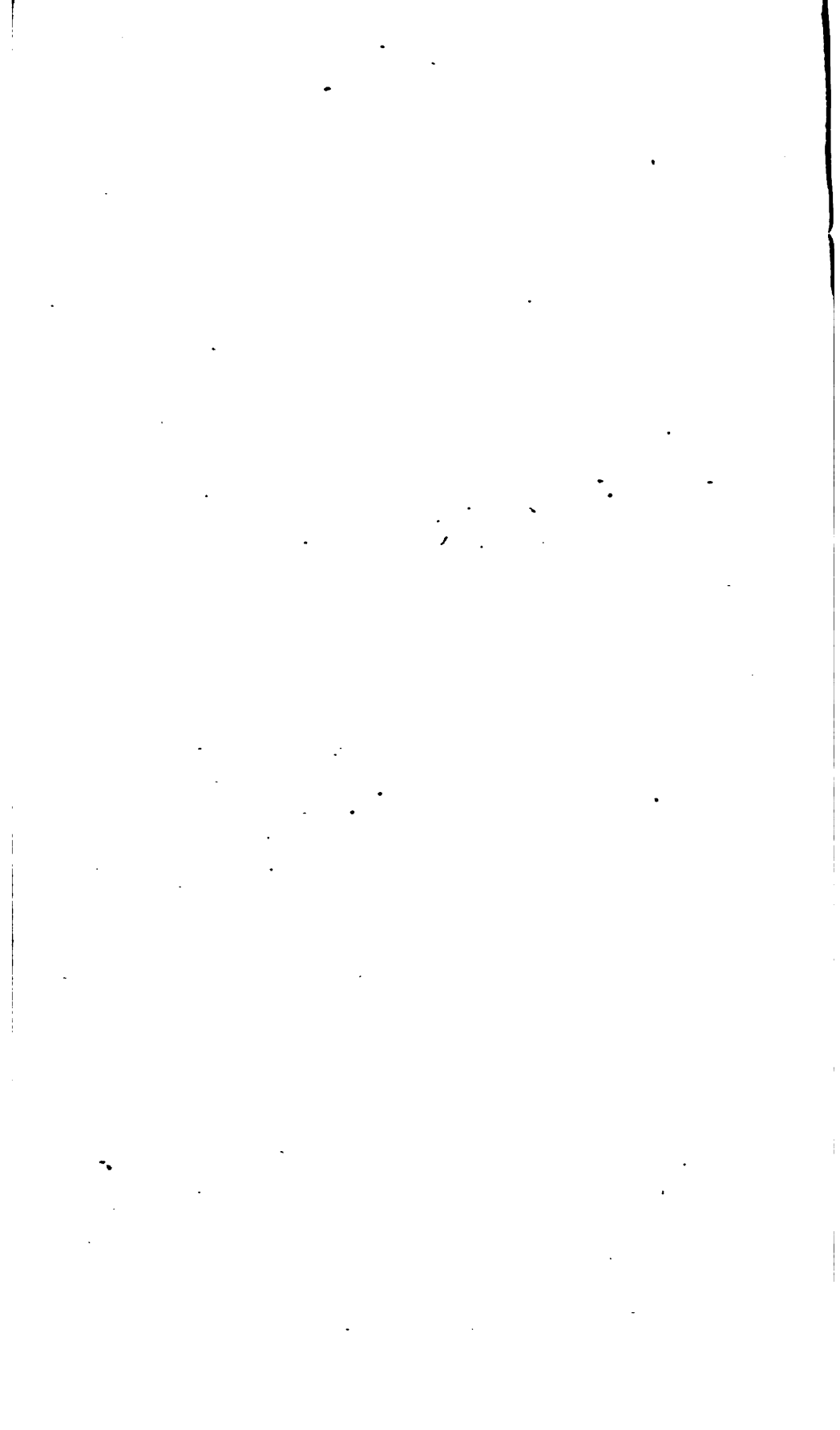
SIMEON DE WITT, *Surv'r-Gen'l.*

JOHN A. DIX, *Secretary,*

A. C. FLAGG, *Comptroller,*

GREENE C. BRONSON, *Att'y-Gen'l.*

Albany, March 20, 1834.



IN SENATE,

March 25, 1834.

REPORT

Of the committee on the judiciary, on so much of the Governor's message as relates to the course of judicial proceedings and the salaries of judicial officers.

Mr. Lansing, from the committee on the judiciary, to which was referred, by resolution of the honorable the Senate, so much of the Governor's message as relates to the judiciary, and the course of legal proceedings, and the salaries of judicial officers,

REPORTED:

Aware of the importance of the subject referred to them, and the general interest felt in relation to it by the community, the committee have, in the performance of the duty assigned them, endeavored in the suggestions which they may make, to propose those measures which, in their opinion, may not only relieve the present necessities, but prove adequate for future demands in the administration of the laws. It is true, as suggested by the Governor, that the increased and increasing population of this State, and the rapid augmentation of our business transactions, by the consequent multiplication of the labors of our judiciary officers, have proved that our present establishment is not adequate to the public exigencies. Our present efficient and able officers do all that industry, talent and an exclusive devotion to duty can accomplish; still the business has accumulated in our courts, and the experience of years past fully evinces that it probably will continue to accumulate. The despatch of the business of our courts, like all other business, will depend upon the fact that the efficient force to perform it bears a proper proportion to the amount of labor to be performed. Your committee are satisfied that this relative proportion does not exist at this

time. On this account, the inability of our officers to perform what a due administration of justice requires of them, operates as a hardship upon suitors, by increasing their costs and expenses, and by producing an unavoidable delay, which amounts almost to a denial of justice. These delays and accumulations are principally in the court of chancery and the supreme court. Various causes concur in producing this state of things. Among them, the increasing population and business transactions of the State, as before stated, and to which may be added the peculiar organization of our system, may be viewed as the most prominent.

The respect and authoritative influence with which the decisions of our judiciary have at all times and now are received by the tribunals of our sister States, afford ample testimony of the able manner in which the laws have been administered in our courts of law and of equity; and while the eminent individuals who have and do now fill our highest judicial offices, by their talents and industry, have exalted the character of the State, have also gained for her tribunals and themselves an enviable reputation. But whatever the talent or ability of public officers may be, the amount of labor performed by them can alone be commensurate with their industry; and your committee are aware that as far as regards these officers, their exertions and their attentions have been unremitted and untiring.

The increased business in the court of chancery, and which until within a few years past was comparatively limited, and was despatched by a single officer, induced, no doubt, the present organization of that court. This organization, instead of relieving, by reason of its peculiar nature, has added in some measure to the burthens of the officer at the head of this court. The union of chancery with common law powers in the circuit judges, although viewed in anticipation as salutary and beneficial, has been tested by experience and found not to realize the expectations entertained. The number of officers having chancery jurisdiction is sufficient and probably more than sufficient, were they exclusively devoted to that branch of jurisprudence, to do the business of the court. The administration of equity should be by a distinct court, having no connection with courts of common law. The systems are distinct in their relations and objects, and in their practice and proceedings. It has been well remarked that "a life devoted to either study will not more than suffice to make an eminent judge; a life devoted to either will be filled up with constant employment."

This being the fact as to the nature of the two courts, the union of the two jurisdictions in one individual may be considered of questionable policy and expediency. Conscious as both the judge and the profession must be of the necessity of constant attention to either branch of jurisprudence, to a perfect knowledge and due application of the rules of either, neither have that confidence that a total devotion of the judge to either would command in his decisions. Such doubts imply no disparagement or impeachment of the qualifications or integrity of the officers, but on the contrary, it is conceded by all that they are capable and sound lawyers. The variety and amount of business which they are called to perform, must and do produce such doubts, and the accumulation of those duties will not have much tendency to dispel them. The best disciplined mind may err or get confused in the constant and sudden change of the objects of its pursuits, and the unavoidably frequent transition from an enforcement of the settled and positive requirements of the rules of the common law, to the application of the more liberal rules of a court of chancery.

As all causes decided by a vice-chancellor may be appealed to the chancellor, whose sole business is with the rules of chancery, most cases of doubt or importance are finally brought to him for determination. Instead, therefore, of expediting chancery business and lessening its expenses, by bringing the tribunals to the homes of the suitors, as was the intention, delay is not prevented and the expenses of suitors are enhanced. That the nature of our system must produce this result is evident, and experience has demonstrated its truth.

By a law of 1831, equity powers were taken from the circuit judge of the first circuit and vested solely in a vice-chancellor, and the experiment has fulfilled the public expectation of its usefulness. A fact is stated, and which being the result of experience, is entitled to great weight and consideration, and confirms the suggestions above made. It is this: While the court of chancery always has been and is now, crowded with appeals from the decisions of the circuit judges acting as vice-chancellors, appeals from the vice-chancellor of the first circuit are rarely entered, and when so, only in the most important matters. His entire and exclusive devotion to chancery jurisprudence have inspired the confidence of community and of the profession in the decisions of the vice-chancellor, which induce an acquiescence in them; and in the city of

New-York, where from the amount of chancery business their extensive commercial transactions give rise to, was heretofore the most complaint of delay, none is now heard.

Such results can and no doubt will be produced throughout the State, by the appointment of officers in whom chancery powers alone shall be vested; and the chancellor will undoubtedly, by the consequent diminution of appeals, be enabled to dispose of all causes submitted to him, speedily and satisfactorily. Your committee therefore think, by such arrangement for the separate exercise of equity powers, the chancellor would be relieved of his present burthens, and the court of chancery be enabled to extend to all speedily that justice it was intended to distribute. They would therefore recommend the division of the State into four chancery circuits, and the appointment of three additional vice-chancellors. This division they conceive would tend much to the convenience of suitors, and the proposed additional number of vice-chancellors will enable the business to be speedily done, and will prove amply sufficient for the increasing business of the courts.

Although the committee believe that the reorganization of the court of chancery as above suggested, will fully relieve the pressure upon it, they have found more difficulty in maturing and recommending a plan for the relief of the supreme court, the adoption of which would promise an equally favorable result. The organization of our courts of common law was a matter of much debate and contrariety of opinion in the convention of 1821, and the present system may be considered rather as the result of compromise, than the regularly devised plan of any portion of that body. The various duties of the justices of the supreme court demand and obtain their whole attention, and still there is an accumulation of business. Aware, as suitors are, of the delay produced by such accumulation, and the impossibility of the immediate decision of causes brought before them, inducements are held out to parties to carry their causes there for the mere purpose of delay, and thereby compel their opponents, to avoid the loss consequent on such delay, to submit to the proffered, though objectionable terms of settlement. This no doubt is done, and the increased costs of protracted litigation, gives the litigious and more able individual, an advantage over his more peaceful and less able antagonist. The peculiar nature of our judicial system, is as much the producing cause of an increase of the business of the supreme court as of the court of chancery.

The same remarks which are made above, in relation to the decisions of the circuit judges as vice-chancellors, will apply to their decisions as common law judges. It has been well remarked, that "there is some danger when both systems, (that is law and chancery) are administered by the same court; that the equity of a case will sometimes transfer itself to the law side of the court, or the law of a case narrow down the comprehensive liberality of equity. The mixture when it takes place is decidedly bad in flavor and in quality." It is to be hoped, however, that an abridgement of the circuit judges of their equity powers, by enabling them to devote all their energies to the study of the common law, will add weight to and inspire confidence in their decisions, which will tend to diminish the questions submitted to the supreme court. The organization of our county courts, from whose decisions appeals are made to the supreme court, has no little influence in adding to its business. No adequate compensation being allowed to county judges, there is no inducement for capable professional gentlemen to give up merely a moderate business, and accept the appointments. The courts are therefore generally composed of individuals, although of sound integrity and talents, rarely of legal acquirements. To qualify a judge for the able discharge of his duties, his whole attention must be devoted to them. The peculiar character of the court having devolved upon it, both bar and circuit duties would seem to require its member to be well versed with law. Although the matters arising in those courts, are in amount, of minor importance, still the application of the same rules of law must be made, as in matters of more consequence. Justice is consequently tardily administered in these courts; and the want of knowledge of the nice technicalities of the rules of evidence and their due application, lead to exceptions, which transfer many, very many causes to the crowded calendar of the supreme court. The life of a judge must necessarily be one of continued study, and his judicial knowledge always progressive. We cannot therefore be surprised at the results above suggested. The various applications to the Legislature for authority to certain counties to raise by tax a salary for the first judge, evince the grievances under which this portion of our judiciary system labors.

Among the various modes suggested to the committee to relieve the pressure on the supreme court, none appears so probable to produce the desired result, as an addition to the number of its justices. The desire of preserving an uniformity in the practice

and proceedings of the court, will induce a continuance of the existing mode of submitting all non-enumerated business arising in that court to the decision of one of its judges. The nature of this business is such, that an immediate action must be had thereon, and consequently must and does take precedence of the other business. The number of non-enumerated questions that occurs, and the frequent recurrence of the special terms for its despatch, together with the duty as members of the court for the correction of errors, must necessarily withdraw from the regular business of the court, a large portion of the time and attention of the justices. An addition to their number will induce an arrangement among themselves, and an assignment of each alternately to the special term business, and command a more constant and undivided employment in the important business.

The committee feel assured, that taking their whole proposition together, a decided improvement may be anticipated. A fair test has not been had of the provisions of the law of 1832, by which circuit judges were allowed to review their own decisions. The exclusive devotion to the common law of the circuit judges, will enable them to give full effect to the intention of that law, which, from the nature of their duties heretofore, may have been considered impracticable. Should the proposed alterations produce that confidence which there is abundant reason to believe it will, it is hoped and believed that the addition of two members to the supreme court bench, will enable the court not only to dispose of its crowded calendar, but also to prevent its future accumulation.

If this, however, should not effect the objects desired, it may become necessary to resort to the organization of a court of general jurisdiction, subordinate, however, to the supreme court, abolishing the present circuit system, and imposing upon the judges of both courts, the duty of holding circuits. Much might be said in favor of that measure, and the decided advantage of that mode of holding circuits. All objections, prejudices, feelings and consequent want of confidence, arising from the fact, that the circuit judges have long resided in their respective circuits, and have been more or less engaged, before their elevation to the bench, in the business and other excitements of the people, on whose rights they are to decide, would be avoided. Such an alteration may be considered too important to be undertaken, if the public exigencies can be met by preserving and improving the present system. Changes in es-

tablished systems should be cautiously made, and never, unless they become necessary. Embarrassments are created in effecting such changes, that may lead to great derangement.

It may be said, that the addition of two judges to the supreme bench, will add to our already large official list, and increase the expenses of government. Although the administration of government should, in all its branches, be conducted with the most rigid economy, still the withholding of a sufficient number of agents to perform the necessary duties, cannot be considered economy. The wants of the people must be supplied; government is formed to furnish the means, and there are no wants more essential to the enjoyment of the blessings of government, than those to be supplied by an adequate judiciary. It is not only necessary laws should be executed, but on the time of such execution depend in a great measure the benefits and salutary effects of such laws. The costs and expenses of judicial delays, and the consequent procrastination of the enjoyment of rights, operate as a hardship on community. All governments are aware of this, and, therefore, all attempt to engraft on their system of municipal laws ample provision for their due execution, by providing a judiciary adequate to the duties imposed. The delays, and accumulated and accumulating business in our courts, fully evince the inadequacy of our judiciary to the duties devolving upon it. The interest and wants of community seem to demand the protection for their rights, and will justify and warrant any additional expense, necessary to accomplish that object. It may be remarked, also, that the increase of the number of justices of the supreme court, will not necessarily add to the number of judicial officers. It is highly probable, that the withdrawal of equity powers from the circuit judges, will enable a fewer number of judges than we now have, to do the circuit duties. The Legislature have the power to lessen the present number of circuits. Should experience, therefore, justify, and public good require, and should the people consent to put the power in their hands, the Legislature may reduce the number of circuits, and direct that the additional justices of the supreme court be selected from the circuit judges. And should necessity compel a resort to the organization of a new court as above suggested, no increase need then be apprehended to the judicial list. For should such court consist of five judges, and the present proposed addition to the supreme court be allowed, the number of common law judges, would be less than under the present system.

The alteration proposed can only be effected by an amendment of the Constitution, and although the committee with reluctance would and do recommend amendments of that instrument, they feel justified in so doing by the wants of community and the experience of the inadequacy of its present provisions to accomplish the object intended. The proposed amendment will leave the subject entirely to future legislation, and there can be no doubt, that in exercising any discretion committed to them, they will do so in such manner as the exigencies of the community may require and warrant.

The committee will, therefore, ask leave to introduce a bill to carry out their suggestions as to a reorganization of the court of chancery, and also an amendment to the Constitution; the adoption of both of which they recommend. The bill is the same as now on our files, as introduced in the other branch of the legislature, its principles and details, conforming with the views of your committee, they have adopted the same.

IN SENATE,

March 25, 1834.

REPORT

Of the committee on banks and insurance companies, on so much of the Governor's Message as relates to the banking system of this State.

Mr. Edmonds, from the committee on banks and insurance companies, to whom was referred so much of the Governor's message as relates to the banking system of the State,

REPORTED:

That the prominent topic to which their attention was called by the reference of the message, and by sundry resolutions of inquiry, was, in their view, the great demand for new banks, and the evils growing out of such demand. The increase of such applications within a few years has attracted very much of public attention, and has excited in the minds of many of our citizens a strong apprehension that evil consequences of no slight magnitude might ensue, and an anxious desire that some effectual remedy should be devised.

The committee are not aware that it has been seriously urged by any one, that all the banks which have been asked for during the present session, are required by the legitimate wants of the business community, or indeed, could be profitably or safely incorporated. Some other cause must have produced the great demand, and in seeking for that cause we shall without difficulty discover the remedy.

It may be conceded that some of the applications are of purely a business character, having no other end in view than the advancement of the commercial operations of the applicants; while
[Senate No. 108.]

others are doubtless sought for from a desire of giving to some place an advantage over neighboring villages, or affording an opportunity to such places of competing successfully with their more fortunate rivals. And again, others are desired because they would become profitable places of investing capital, or because they would yield to the first holders of the stock a profit on its advancement in price beyond the nominal value. In some instances, all these considerations probably combine, but an attentive examination of the list of applications to the Legislature for the last three or four years will carry the conviction, that most of them have grown out of the interests of rival villages, and the desire for the premium on the first subscription. The two latter classes cannot present any very strong claims to the favorable action of the Legislature. And either of them would be sensibly affected by any provision which would reduce the value of the stock. The latter class would be entirely cut off, while rival villages would, by the same means, find it impracticable, either to take up their stock or procure it from abroad, and would thus be deterred from renewing their application, year after year, with zeal proportioned to their hope of ultimate success.

The committee have carefully examined all the suggestions made in the message, as well as those submitted by the various resolutions of inquiry, which have been adopted by the Senate. They do not propose in this report to discuss them all. It might be deemed a sufficient discharge of their duty, to lay before the Senate the result at which they have arrived, and the reasons which have produced it; but they cannot feel themselves at liberty to refrain from noticing briefly some of the propositions contained in the resolutions.

One subject of inquiry is as to the propriety of compelling the Safety fund banks to receive each other's bills in payment of debts due to them. This is impracticable. The Constitution of the United States, in the tenth section of the first article, declares, that no State shall "make any thing but gold and silver coin a tender in payment of debts."

Another is as to the propriety of compelling the banks to have always in their vaults one-fifth part of their capital in specie. This would operate very unequally. The banks who are now, and from the magnitude of their capitals would continue to be, the safest,

would be required to have the greatest amount of specie; and some of them would have a sum larger than their whole circulation. If the inquiry referred rather to the issues than the capital, it would be less objectionable, yet not then without its difficulties. The object of having this specie would of course be to enable the banks to redeem their bills; but the moment any demand of this kind should be made, the required amount of specie must diminish or the redemption of bills be refused. This would always be the result of any uncommon demand for specie. Some fixed period must be allowed, during which the banks might be permitted to be without their quota of specie, or they might be obliged to retain it in their vaults, at the hazard of refusing to redeem their bills; and whether that time should be ten days or a month, the result might be, that they would obey the law by having the necessary amount at stated periods only, and any permanent improvement would not be produced.

These resolutions have in view the establishment of a uniform and equal currency. The objections which have been stated to them, render them either impracticable or inexpedient; yet the end ought to be attained. The best method of effecting this object seems to be that which has lately been adopted by many of the country banks, and that is redeeming their bills in the city of New-York. This would render our banking system much more perfect, by creating a very sound and uniform currency. The practical effects of this arrangement, as already made by some of these institutions, are highly beneficial. The course of trade, throughout our whole territory tends to that city, and a very great portion of our circulation sooner or later finds its way to that mart, and is there exchanged for the fabrics required for the consumption of the interior. By this operation, about \$3,000,000 of country notes are sent home every month from the cities of New-York and Albany for redemption. In every instance where no arrangement is made for redemption in New-York or Albany, the expense of these exchanges falls either upon the city merchant, or his inland customers. While the profits of our banks are as great, as it will be seen they are, no good reason can be discovered why this expense should be visited upon any but themselves; but several considerations will readily present themselves in favor of a different course. It would be difficult, and probably inexpedient at this time, to attempt to effect this object by legislative action. Difficult, because it would place the country banks in a great measure at the mercy and under the

control of the city banks; and inexpedient, because of the present state of our monetary affairs, and because many of the banks have already adopted the measure, and there is good reason to believe that their example will be followed by others. The arrangement is so clearly for the general good, that a confident hope may be entertained that the public spirit of the directors of our State institutions, will cause it to be universal. If however, any selfish considerations should be permitted to disappoint this just expectation, there could no longer be any reason for refraining from Legislative action, notwithstanding it might result in impairing the independence and diminishing the profits of the banks.

The committee are aware that it may be urged against every proposition which has been submitted to them, in reference to the restrictions in new charters, that such restrictions would create an invidious distinction between them and the banks already incorporated. This is an objection that can be made with propriety only by those who are interested in the new applications. They seek a favor from the Legislature, and cannot complain that such conditions are attached to its grant as the public good may require. Besides, if experience has shown that evils have attended our former mode of legislation, it surely cannot be contended that they must be continued without any mitigation because our remedy can only be partial. If an evil does exist, and that it does must be manifest to all who bear in mind the one hundred applications of this session, it arises from this great number, and can be corrected by diminishing the inducement for them. It cannot then with propriety be urged that we must not aim at partial good, because we cannot make it universal. But the committee do not discover any well grounded objection to giving to the remedy proposed, general application, though it may be a question with some, whether the present is a propitious period for the attempt, as to existing institutions.

The remedy which suggests itself as the most simple and efficacious, is the reduction of the profits to be made by the holders of bank stock; and if that can be attained by measures which will at the same time increase the security of the public, those measures will necessarily commend themselves to the favorable consideration of the Legislature.

It will be perceived by the reports of the Bank Commissioners, made on the 5th of February, 1833, (Assembly Documents of 1833,

No. 89,) and on the 28th of January, 1834, (Senate Document No. 32,) that the profits of our banks have, during the last few years, been very great.

By these documents it appears, that twenty-nine banks, located out of the city of New-York, whose returns go back to their operations of 1831, after paying all their expenses, divided among their stockholders an average profit of 8½ per cent, during the year 1831; 10 per cent, during 1832; and 11 per cent, during 1833; and that on the first of January last, they had on hand, as surplus profits, an average of 16 per cent on their capitals.

These facts, while they show banking to be very profitable and prosperous under our system, and excite a very natural desire in our citizens to participate in their gains, also demonstrate that these gains may be diminished to a very great extent and banking capital still be as productive as any ordinary loan by one citizen to another.

One mode of producing this result, is, by increasing the capital of the several institutions now existing, or refusing to incorporate any with small capitals. By an examination of the returns of the banks it will be seen, that while those of capitals not exceeding \$150,000 do, with great ease in many cases, extend their circulation to their limit of double that amount, other banks similarly situated, with capitals over \$200,000, very rarely approach that limit, or have a circulation in the same proportion with the smaller banks. There are thirty-six banks whose issues may be as great as \$400,000, and twenty-six which may exceed it, while there are only six banks in the whole whose issues equal that sum. And on the other hand, there are nineteen banks, having capitals of \$100,000, and the issues of thirteen of them exceed \$150,000 each. This comparison runs through all the reports, and clearly shows that although small banks may be more profitable than larger institutions to their stockholders, they are not as valuable to the public, because they do not afford facilities to an equal amount, nor tender the same security against loss.

It will also be discovered from the same documents, that the smaller banks are more profitable to the stockholders, than those of larger capitals. It must then be evident, that an increase of capital in the existing banks, or incorporating large capitals only, will at once increase the security of the public and diminish the

profits of the stockholders, and in the same degree diminish the demand for new institutions.

This course alone, while it would be one step towards the end in view, would not probably produce all the effect desired, unless in every instance more capital should be granted than would be asked for or required. A rigid adherence to this rule, would, in some cases, be tantamount to a denial of banking facilities to a section of country, which might be deemed well entitled to them, and it would in many cases be difficult to graduate the capital by any general standard of this character. Taking the situation of our banks, as stated by the Commissioners in their last annual report, as our basis, we may with great propriety believe, that the Legislature would do much toward effecting the desired object by refusing to charter any bank of a less capital than \$200,000.

The great profits of the banks arise from their issues. It is this privilege which enables them, in fact, to coin money, to substitute their evidences of debt for a metallic currency, and to loan more than their actual capitals. How far forth it was sound policy in the first instance, to enter upon a course of legislation which produces such results, the committee do not conceive themselves at liberty to inquire. But since the practice has become so strongly interwoven with our institutions, it is the part of wisdom so to regulate and control it as to guard against improvident legislation, and to prevent injury to the community.

The committee cannot view the banks as mere private institutions, having for their object solely the profit of their owners. They were established for higher and more beneficial purposes,—to advance the public good, and to aid the spirit of enterprise and improvement. And the interests of the stockholders ought to be made in all instances to yield to these considerations.

The effect of the issues upon the interests of the banks is very great. A bank of \$100,000 capital is permitted to loan \$250,000, and thus receive an interest on twice and a half the amount actually invested. This amount of loan could not however be attained, if the bank had not funds beyond its mere capital; and those it is permitted to make to an amount equal to twice its capital. Thus a bank with its capital of \$100,000, and its bills amounting to \$200,000, can, without difficulty, arrive at its limit of \$250,000 of loans. These limits are much more easily attained by small

than by large banks, or in other words, those whose circulation is nearest to the limit of issues approach most easily to the prescribed amount of loans, and consequently to the desired interest on twice and a half the amount of capital. Thus the returns show that those whose capitals do not exceed \$100,000 each, are, with a few exceptions, very near their limits of issues and loans, while those whose capitals exceed \$400,000 are far short of their limits. Hence it follows, that the amount of loans beyond the capital depends, in a very great measure, upon the amount of the issues, and any reduction of issues would, in a corresponding degree, reduce the amount of loans, and consequently, the profits of the institutions.

The safety of the public is affected in about the same proportion by the issues; and whenever those issues exceed the amount of capital, the community are not as well guarded against loss as they would be if the issues were kept down to or below the amount of capital. The reduction of the issues will result, at the same time, in adding to the soundness of our currency, and consequently to the security of the public, and in diminishing the profits of the banks, and in the same degree, the demand for new institutions.

How far the issues ought to be reduced, and whether this provision ought to extend to existing banks, are questions to be considered. If no other remedy is to be adopted than the reduction of the issues, then it seems to the committee that the desired object can be attained only by a reduction of one half the present limit, or to the amount of the capital only. Such a course would be sure to produce the desired results, while the vicinity requiring banking facilities can be accommodated by a graduation of capital according to its wants. Thus we shall come much nearer than under our present system to granting to that vicinity capital rather than currency. It may be doubted whether such a procedure will not cause an increased demand for banks, where the business may actually require more facilities; but it will diminish if not destroy the demand for those of a different character. This doubt, together with the present condition of the money market, may justify the committee for not recommending the adoption of this measure in regard to all banks, as well those now existing as those to be hereafter created. And it may also be deemed prudent to test the effect of its operation upon the new banks, previous to extending its provisions generally.

The reduction of the issues is not however the only remedy which suggests itself, as promising alike to diminish the profits of the banks and to increase the public safety. It is calculated that about one-fifth of the whole circulation of our banks is in bills under the denomination of five dollars. The actual circulation of the banks under the safety fund is now about \$10,000,000. Any provision which should prohibit the circulation of small bills, would, by this computation send back to the banks about \$2,000,000.— Their place would be supplied by some other circulating medium; and it is supposed that about one quarter of this vacuum would be supplied by larger bills, and the residue would be filled with a metallic currency. This would be an important step toward a currency which would not be subject to frequent depreciation; would affect the profits of the banks; would place about one million and a half of specie directly in the hands of the people, and would afford a very great safeguard against the effects of a sudden panic, whether that panic should be produced by misfortune or design.

The committee are aware that it may be objected to this measure, that it might be inconvenient in its operation. But they cannot feel that the inconvenience of carrying a few dollars in specie about the person ought to weigh for a moment against the arguments in its favor growing out of the security of the public. The strongest objection to it, will be its interference with the profits of the banks, but when it appears that those profits have become so great, as to produce an evil which requires legislative correction, it may be expected that this objection will not have sufficient weight to defeat the measure.

The operation of the measure ought however to be gradual, not only to guard against any sudden reduction of our currency, and the embarrassment that would follow, but for the purpose of enabling a succeeding Legislature to correct any evil which its partial operation may produce. It is therefore, proposed that bills of the denomination of one dollar shall be withdrawn from circulation after six months from the passage of the law; the two dollar bills after twelve months, and three dollar bills after eighteen months; and that after the latter period, the circulation of any bills of a less denomination than five dollars be entirely prohibited. It must not be supposed that the small bills will all be withdrawn at these periods. The operation will be still more gradual. There is no mode of compelling their return to the banks, but as the banks are to be

prohibited from issuing them after those periods, the process of redemption, which is constantly going on at every bank in the State, will ultimately, and at a much more remote period than those above mentioned, produce the result.

The committee deem this measure to be so evidently for the public good, and they anticipate that its practical operation will be so beneficial, that they do not find the same reason for confining its operation to new banks. The great end—public security—would by no means be so well advanced, unless the provision should be general in its operation, for though the new institutions could not issue notes of a small denomination, the proportion of that kind would still continue in circulation. The same remark would in a great measure apply, if the provision extended only to the banks subject to the safety fund. This consideration, and the evident impropriety of making unnecessary distinctions between institutions of a similar character, have induced the committee to recommend a bill having general effect.

It will be so much to the interest of the banks to continue the circulation of small bills, that there is some reason to fear they may exert an influence among their customers to prevent a return of those notes for redemption. It is therefore deemed advisable to attach a penalty to their circulation after the periods above prescribed.

It may be objected that the place of the small bills of our banks will be supplied with those of banks in other States. That can, however, in a great measure, if not entirely, be prevented. The existing law upon that subject has been found to be practically useless. When it first went into operation, its effects were salutary; but it was found that the payer and receiver of foreign bills being both liable for the penalty, no person, except an accidental by-stander, could enforce its provisions. To remedy this evil, and to give more force to the prohibition, it is proposed to increase the penalty, and to subject one party only to it.

The committee having now stated the result to which their reflections have conducted them, beg leave, in order to avoid all misconception, to remind the Senate of the cause which has produced their examination of this subject. It has not arisen from any fear or suspicion on their part, that any of the banking institutions of

this State are otherwise than in a sound and healthy condition. On the other hand, there is abundant reason for the conviction, that they will ride out with safety the factitious storm which surrounds them. And if any thing could add to our confidence in the banking system of our State, it will be found in the manner in which our institutions have been enabled to withstand an unprecedented warfare upon their existence, and the prosperity of our citizens.

IN SENATE,

March 25, 1834.

In Senate, March 25, 1834.

Resolved, That the Clerk procure and cause to be printed, the Message of the President of the United States, on returning the bill passed at the last session of Congress, for the distribution of the avails of the sales of the Public Lands.

By order.

JOHN F. BACON, *Clerk.*

MESSAGE

Of the President of the United States, on returning the bill passed at the last session of Congress, for the distribution of the avails of the sales of the Public Lands.

To the Senate of the United States—

At the close of the last session of Congress I received from that body a bill entitled “An act to appropriate for a limited time the proceeds of the sales of the public lands of the United States and for granting lands to certain States.” The brief period then remaining before the rising of Congress, and the extreme pressure of official duties, unavoidable on such occasions, did not leave me sufficient time for that full consideration of the subject which was due to its great importance. Subsequent consideration and reflection have, however, confirmed the objections to the bill which presented themselves to my mind upon its first perusal, and have satisfied me that it ought not to become a law. I felt myself, therefore, constrained to withhold from it my approval, and now return it to the Senate, in which it originated, with the reasons on which my dissent is founded.

I am fully sensible of the importance, as it respects both the harmony and union of the States, of making, as soon as circumstances will allow of it, a proper and final disposition of the whole subject of the public lands: and any measure for that object, providing for the re-imbursement to the United States of those expenses with which they are justly chargeable, that may be consistent with my views of the Constitution, sound policy, and the rights of the respective States, will readily receive my co-operation. This bill, however, is not of that character. The arrangement it contemplates is not permanent, but limited to five years only, and in its terms appears to anticipate alterations within that time, at the discretion of Congress; and it furnishes no adequate security against those continued agitations of the subject which it should be the principal object of any measure for the disposition of the public lands, to avert.

Neither the merits of the bill under consideration, nor the validity of the objections which I have felt it to be my duty to make to its passage, can be correctly appreciated without a full understanding of the manner in which the public lands, upon which it is intended to operate, were acquired, and the conditions upon which they are now held by the United States. I will, therefore, precede the statement of those objections by a brief but distinct exposition of these points.

The waste lands within the United States constituted one of the early obstacles to the organization of any government for the protection of their common interests. In October, 1777, while Congress were framing the articles of confederation, a proposition was made to amend them to the following effect, viz:

“That the United States in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the western boundary of such States as claim to the Mississippi or South Sea, and lay out the land beyond the boundary so ascertained, into separate and independent States, from time to time, as the numbers and circumstances of the people thereof may require.”

It was, however, rejected, Maryland only voting for it; and so difficult did the subject appear, that the patriots of that body agreed to waive it in the articles of confederation, and leave it for future settlement.

On the submission of the articles to the several State Legislatures for ratification, the most formidable objection was found to be in this subject of the waste lands. Maryland, Rhode-Island and New-Jersey instructed their delegates in Congress to move amendments to them, providing that the waste or crown lands should be considered the common property of the United States; but they were rejected. All the States, except Maryland, acceded to the articles, notwithstanding some of them did so with the reservation, that their claim to those lands, as common property, was not thereby abandoned.

On the sole ground that no declaration to that effect was contained in the articles, Maryland withheld her assent, and in May, 1779, embodied her objections in the form of instructions to her delegates, which were entered upon the journals of Congress. The following extracts are from that document, viz:

"Is it possible that those States who are ambitiously grasping at territories, to which in our judgment they have not the least shadow of exclusive right, will use with greater moderation the increase of wealth and power, derived from those territories when acquired, than what they have displayed in their endeavors to acquire them?" &c. &c.

"We are convinced, policy and justice require, that a country unsettled at the commencement of this war, claimed by the British crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parcelled out by Congress into free, convenient and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct," &c. &c.

Virginia proceeded to open a land-office for the sale of her western lands, which produced such excitement as to induce Congress, in October, 1779, to interpose and earnestly recommend to "the said State, and all States similarly circumstanced, to forbear settling or issuing warrants for such unappropriated lands, or granting the same during the continuance of the present war."

In March, 1780, the Legislature of New-York passed an act tendering a cession to the United States of the claims of that State to the western territory, preceded by a preamble to the following effect, viz:

"Whereas nothing under Divine Providence can more effectually contribute to the tranquillity and safety of the United States of America than a federal alliance on such liberal principles as will give satisfaction to its respective members; and whereas, the articles of confederation and perpetual union recommended by the honorable Congress of the United States of America have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States, ought to be appropriated as a common fund for the expenses of the war; and the people of the State of New-York being on all occasions disposed to manifest their regard for their sister States and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depends upon them, the before mentioned impediment to its final accomplishment," &c.

This act of New-York, the instructions of Maryland, and a remonstrance of Virginia, were referred to a committee of Congress, who reported a preamble and resolutions thereon, which were adopted on the 6th September, 1780; so much of which as is necessary to elucidate the subject is to the following effect, viz;

"That it appears advisable to press upon those States which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they can not be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the federal union on a fixed and permanent basis and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigor of our councils and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign and independent people; that they are fully persuaded the wisdom of the several Legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States and so necessary to the happy establishment of the federal union; that they are confirmed in these expectations by a review of the before mentioned act of the Legislature of New-York, submitted to their consideration," &c.

"Resolved, That copies of the several papers referred to the committee, be transmitted, with a copy of the report, to the Le-

gislatures of the several States, and that it be earnestly recommended to those States who have claims to the western country, to pass such laws and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the articles of confederation; and that the Legislature of Maryland be earnestly requested to authorise their delegates in Congress to subscribe the said articles."

Following up this policy, Congress proceeded, on the 10th October, 1780, to pass a resolution pledging the United States to the several States as to the manner in which any lands that might be ceded by them should be disposed of, the material parts of which are as follows, viz:

"*Resolved*, That the unappropriated lands which may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the 6th September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence as the other States," &c. "That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or nine or more of them,

In February, 1781, the Legislature of Maryland passed an act authorising their delegates in Congress to sign the articles of confederation. The following are extracts from the preamble and body of the act, viz:

"Whereas it hath been said that the common enemy is encouraged, by this State not acceding to the confederation, to hope that the union of the sister States may be dissolved, and therefore prosecutes the war in expectation of an event so disgraceful to America, and our friends and illustrious ally are impressed with an idea that the common cause would be promoted by our formally acceding to the confederation," &c.

The act of which this is the preamble, authorises the delegates of that State to sign the articles, and proceeds to declare, "that, by acceding to the said confederation, this State doth not relinquish, nor intend to relinquish, any right or interest she hath, with

the other united or confederated States to the back country," &c. &c.

On the 1st of March, 1781, the delegates of Maryland signed the Articles of Confederation, and the Federal Union under that compact was complete. The conflicting claims to the western lands, however, were not disposed of, and continued to give great trouble to Congress. Repeated and urgent calls were made by Congress upon the States claiming them, to make liberal cessions to the United States, and it was not until long after the present Constitution was formed, that the grants were completed.

The deed of cession from New-York was executed on the 1st of March, 1781, the day the Articles of Confederation were ratified, and it was accepted by Congress on the 29th October, 1782. One of the conditions of this cession, thus tendered and accepted, was, that the lands ceded to the United States "*shall be and enure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatsoever.*"

The Virginia deed of cession was executed and accepted on the 1st day of March, 1784. One of the conditions of this cession is as follows, viz :

"That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, *shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.*"

Within the years 1785, 1786 and 1787, Massachusetts, Connecticut and South Carolina, ceded their claims upon similar conditions. The federal government went into operation under the existing Constitution on the 4th of March, 1789. The following is the only provision of that Constitution which has a direct bearing on the subject of the public lands, viz :

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other pro-

perty belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

Thus the Constitution left all the compacts before made in full force, and the rights of all parties remained the same under the new Government as they were under the confederation.

The deed of cession of North Carolina was executed in December, 1789, and accepted by an act of Congress approved April 2, 1790. The third condition of this cession was in the following words, viz :

"That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, *shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportions of the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.*"

The cession of Georgia was completed on the 16th of June, 1802, and in its leading condition, is precisely like that of Virginia and North Carolina. This grant completed the title of the United States to all those lands, generally called *public lands*, lying within the original limits of the Confederacy. Those which have been acquired by the purchase of Louisiana and Florida, having been paid for out of the common treasure of the United States, are as much the property of the General Government, to be disposed of for the common benefit, as those ceded by the several States.

By the facts here collected from the early history of our republic, it appears that the subject of the Public Lands entered into the elements of its institutions. It was only upon the condition that those lands should be considered as common property, to be disposed of for the benefit of the United States, that some of the States agreed to come into a "perpetual union." The States claiming those lands, acceded to those views, and transferred their claims to the United States upon certain specific conditions, and on those conditions the grants were accepted. These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the Constitution, and forming the basis on which it was made,

bound the United States to a particular course of policy in relation to them, by ties as strong as can be invented to secure the faith of nations.

As early as May, 1785, Congress, in execution of these compacts, passed an Ordinance, providing for the sales of lands in the Western Territory, and directing the proceeds to be paid into the Treasury of the United States. With the same object other Ordinances were adopted prior to the organization of the present government.

In further execution of these compacts, the Congress of the United States under the present Constitution, as early as the 4th August, 1790, in "an act making provision for the debt of the United States," enacted as follows :

"That the proceeds of sales which shall be made of lands in the western territory, now belonging, or that may hereafter belong, to the United States, shall be, and are hereby, appropriated towards sinking or discharging the debts for the payment whereof the United States now are, or by virtue of this act may be holden, and shall be applied solely to that use until the said debt shall be fully satisfied."

To secure to the government of the United States forever, the power to execute these compacts in good faith, the Congress of the confederation, as early as July 13th, 1787, in an ordinance for the government of the territory of the United States northwest of the river Ohio, prescribed to the people inhabiting the western territory, certain conditions which were declared to be "articles of compact between the original States and the people and States in the said territory," which should "forever remain unalterable, unless by common consent." In one of these articles it is declared, that

"The Legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulation Congress may find necessary for securing the title in such soil to the *bona fide* purchasers."

This condition has been exacted from the people of all the new territories; and to put its obligation beyond dispute, each new State carved out of the public domain, has been required explicitly to recognize it as one of the conditions of admission into the Union.

Some of them have declared through their conventions in separate acts, that their people "forever disclaim all right and title to the waste and unappropriated lands lying within this State, and that the same shall be and remain at the sole and entire disposition of the United States."

With such care have the United States reserved to themselves, in all their acts down to this day—in legislating for the territories and admitting States into the Union—the unshackled power to execute in good faith the compacts of cession made with the original States. From these facts and proceedings, it plainly and certainly results:

1. That one of the fundamental principles on which the confederation of the United States was originally based, was that the waste land of the west within their limits, should be the common property of the United States.

2. That those lands were ceded to the United States by the States which claimed them, and the cessions were accepted on the express condition that they should be disposed of for the common benefit of the States, according to their respective proportions in the general charge and expenditure, and for no other purpose whatsoever.

3. That in execution of these solemn compacts, the Congress of the United States did, under the confederation, proceed to sell these lands and put the avails into the common treasury; and, under the new Constitution, did repeatedly pledge them for the payment of the public debt of the United States, by which each State was expected to profit in proportion to the general charge to be made upon it for that object.

These are the first principles of this whole subject, which, I think, cannot be contested by any one who examines the proceedings of the revolutionary Congress, the cessions of the several States, and the acts of Congress under the new Constitution.—Keeping them deeply impressed upon the mind, let us proceed to examine how far the objects of the cessions have been completed, and see whether these compacts are not still obligatory upon the United States.

The debt for which these lands were pledged by Congress, may be considered as paid, and they are consequently released from that lien. But that pledge formed no part of the compacts with the

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States, or of the conditions upon which the cessions were made. It was a contract between new parties—between the United States and their creditors. Upon payment of the debt, the compacts remain in full force, and the obligation of the United States to dispose of the lands for the common benefit, is neither destroyed nor impaired. As they cannot now be executed in that mode, the only legitimate question which can arise is, in what other way are these lands to be hereafter disposed of for the common benefit of the several States, “*according to their respective and usual proportion in the general charge and expenditure.*” The cessions of Virginia, North-Carolina and Georgia, in express terms, and all the rest impliedly, not only provide thus specifically the proportion according to which each State shall profit by the proceeds of the land sales, but they proceed to declare, that they shall be “*faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.*” This is the fundamental law of the land at this moment, growing out of compacts which are older than the Constitution, and formed the corner stone on which the Union itself was erected.

In the practice of the government, the proceeds of the public lands have not been set apart as a *separate fund* for the payment of the public debt; but have been and are now paid into the treasury, where they constitute a part of the aggregate of revenue upon which the government draws as well for its current expenditures as for payment of the public debt. In this manner, they have heretofore and do now lessen the general charge upon the people of the several States in the exact proportions stipulated in the compacts.

These general charges have been composed, not only of the public debt and the usual expenditures attending the civil and military administrations of the government, but of the amounts paid to the States with which these compacts were formed, the amounts paid the Indians for their right of possession, the amounts paid for the purchase of Louisiana and Florida, and the amounts paid surveyors, registers, receivers, clerks, &c. employed in preparing for market and selling the western domain. From the origin of the land system down to September 30, 1832, the amount expended for all these purposes has been about \$49,701,280, and the amount received from the sales, deducting payments on account of roads, &c., about \$38,386,624. The revenue arising from the public

lands, therefore, has not been sufficient to meet the general charges on the treasury which have grown out of them, by about \$11,314,656. Yet, in having been applied to lessen those charges, the conditions of the compacts have been thus far fulfilled, and each State has profitted according to its usual proportion in the general charge and expenditure. The annual proceeds of land sales have increased and the charges have diminished, so that at a reduced price those lands would now defray all current charges growing out of them, and save the treasury from further advances on their account. Their original intent and object, therefore, would be accomplished as fully as it has hitherto been, by reducing the price, and hereafter, as heretofore, bringing the proceeds into the treasury. Indeed, as this is the only mode in which the objects of the original compacts can be attained, it may be considered for all practical purposes, that it is one of their requirements.

The bill before me begins with an entire subversion of every one of the compacts by which the United States became possessed of their western domain, and treats the subject as if they never had existence, and as if the United States were the original and unconditional owners of all the public lands. The first section directs—

“That from and after the 31st day of December, 1832, there shall be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, over and above what each of the said States is entitled to by the terms of the compacts entered into between them respectively upon their admission into the Union and the United States, the sum of twelve and a half per centum upon the nett amount of the sales of the public lands, which, subsequent to the day aforesaid, shall be made within the several limits of the said States; which said sum of twelve and a half per centum shall be applied to some object or objects of internal improvement or education within the said States under the direction of their several Legislatures.”

This twelve and a half per centum is to be taken out of the nett proceeds of the land sales before any apportionment is made; and the same seven States which are first to receive this proportion, are also to receive their due proportion of the residue, according to the ratio of general distribution.

Now, waiving all considerations of equity or policy in regard to this provision, what more need be said to demonstrate its objec-

tionable character, than that it is in direct and undisguised violation of the pledge given by Congress to the States before a single cession was made; that it abrogates the condition upon which some of the States came into the Union; and that it sets at nought the terms of cession spread upon the face of every grant under which the title to that portion of the public lands is held by the Federal Government.

In the apportionment of the remaining seven-eighths of the proceeds, this bill, in a manner equally undisguised, violates the conditions upon which the United States acquired title to the ceded lands. Abandoning altogether the ratio of distribution according to the general charge and expenditure, provided by the compacts, it adopts that of the federal representative population. Virginia, and other States which ceded their lands upon the express condition that they should receive a benefit from their sales in proportion to their part of the general charge, are by the bill allowed only a portion of seven-eighths of their proceeds, and that not in the proportion of general charge and expenditure, but in the ratio of their federal representative population.

The Constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it "*shall be so construed as to prejudice any claims of the United States, or of any particular State,*" it virtually provides that these compacts and the rights they secure, shall remain untouched by the legislative power, which shall only make all "*needful rules and regulations*" for carrying them into effect. All beyond this would seem to be an assumption of undelegated power.

These ancient compacts are invaluable monuments of an age of virtue, patriotism, and disinterestedness. They exhibit the price that great States, which had won liberty, were willing to pay for that union, without which they plainly saw it could not be preserved. It was not for territory or State power, that our revolutionary fathers took up arms; it was for individual liberty, and the right of self-government. The expulsion from the continent of British armies and British power, was to them a barren conquest, if, through the collisions of the redeemed States, the individual rights for which they fought, should become the prey of petty military tyrannies, established at home. To avert such consequences, and throw around liberty the shield of union, States, whose rela-

tive strength at the time, gave them a preponderating power, magnanimously sacrificed domains, which would have made them rivals of empires, only stipulating that they should be disposed of for the common benefit of themselves and the other confederated States. This enlightened policy produced union, and has secured liberty. It has made our waste lands to swarm with a busy people, and added many powerful States to our confederation. As well for the fruits which these noble works of our ancestors have produced, as for the devotedness in which they originated, we should hesitate before we demolish them.

But there are other principles asserted in the bill which would have impelled me to withhold my signature, had I not seen in it a violation of the compacts by which the United States acquired title to a large portion of the public lands. It re-asserts the principle contained in the bill authorizing a subscription to the stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, from which I was compelled to withhold my consent for reasons contained in my message of the 27th May, 1830, to the House of Representatives. The leading principle then asserted was, that Congress possesses no-constitutional power to appropriate any part of the moneys of the United States for objects of a local character, within the States. That principle, I cannot be mistaken in supposing, has received the unequivocal sanction of the American people, and all subsequent reflection has but satisfied me more thoroughly, that the interests of our people, and the purity of our Government, if not its existence, depend on its observance. The public lands are the common property of the United States, and the moneys arising from their sales, are a part of the public revenue. This bill proposes to raise from and appropriate a portion of this public revenue to certain States, providing expressly, that it shall "*be applied to objects of internal improvement or education within those States,*" and then proceeds to appropriate the balance to all the States, with the declaration, that it shall be applied "*to such purposes as the Legislatures of the said respective States shall deem proper.*" The former appropriation is expressly for internal improvement or education, without qualification as to the kind of improvements, and therefore in express violation of the principle maintained in my objections to the turnpike road bill, above referred to. The latter appropriation is more broad, and gives the money to be applied to any local purpose whatsoever. It will not be denied that under the provisions of the bill, a portion of

the money might have been applied to making the very road to which the bill of 1830 had reference, and must of course come within the scope of the same principle. If the money of the United States cannot be applied to local purposes *through its own agents*, as little can it be permitted to be thus expended *through the agency of the State Governments*.

It has been supposed that with all the reductions in our revenue which could be speedily effected by Congress without injury to the substantial interests of the country, there might be for some years to come a surplus of moneys in the treasury, and that there was, in principle, no objection to returning them to the people by whom they were paid. As the literal accomplishment of such an object is obviously impracticable, it was thought admissable, as the nearest approximation to it, to hand them over to the State governments, the more immediate representatives of the people, to be by them applied to the benefit of those to whom they properly belonged. The principle and the object was, to return to the people an unavoidable surplus of revenue which might have been paid by them under a system which could not at once be abandoned; but even this resource, which at one time seemed to be almost the only alternative to save the General Government from grasping unlimited power over internal improvements, was suggested with doubts of its constitutionality.

But this bill assumes a new principle. Its object is not to return to the people an unavoidable surplus of revenue paid in by them, but to create a surplus for distribution among the States. It seizes the entire proceeds of one source of revenue and sets them apart as a surplus, making it necessary to raise the moneys for supporting the government and meeting the general charges, from other sources. It even throws the entire land system upon the customs for its support, and makes the public lands a perpetual charge upon the treasury. It does not return to the people moneys accidentally or unavoidably paid by them to the government, by which they are not wanted; but compels the people to pay moneys into the treasury for the mere purpose of creating a surplus for distribution to their State governments. If this principle be once admitted, it is not difficult to perceive to what consequences it may lead. Already this bill, by throwing the land system on the revenues from imports for support, virtually distributes among the States a part of those revenues. The proportion may be in-

creased, from time to time, without any departure from the principle now asserted, until the State governments shall derive all the funds necessary for their support from the treasury of the United States, or, if a sufficient supply should be obtained by some States and not by others, the deficient States might complain, and to put an end to all further difficulty, Congress, without assuming any new principle, need go but one step further, and put the salaries of all the State governors, judges, and other officers, with a sufficient sum for other expenses, in their general appropriation bill.

It appears to me that a more direct road to consolidation cannot be devised. Money is power, and in that government which pays all the public officers of the States, will all political power be substantially concentrated. The State governments, if governments they might be called, would lose all their independence and dignity. The economy which now distinguishes them, would be converted into a profusion, limited only by the extent of the supply. Being the dependants of the general government, and looking to its treasury as the source of all their emoluments, the State officers, under whatever names they might pass, and by whatever forms their duties might be prescribed, would in effect be the mere stipendiaries and instruments of the central power.

I am quite sure that the intelligent people of our several States, will be satisfied on a little reflection, that it is neither wise nor safe to release the members of their local Legislatures from the responsibility of levying the taxes necessary to support their State governments, and vest it in Congress, over most of whose members they have no control. They will not think it expedient that Congress shall be the tax gatherer and pay master of all their State governments, thus amalgamating all their officers into one mass of common interest and common feeling. It is too obvious that such a course would subvert our well balanced system of government, and ultimately deprive us of all the blessings now derived from our happy Union.

However willing I might be that any unavoidable surplus in the treasury should be returned to the people through their State governments, I cannot assent to the principle that a surplus may be created for the purpose of distribution. Viewing this bill as in effect assuming the right, not only to create a surplus for that purpose, but to divide the contents of the treasury among the States

without limitation, from whatever source they may be derived, and asserting the power to raise and appropriate money for the support of every State government and institution, as well as for making every local improvement, however trivial, I cannot give it my assent.

It is difficult to perceive what advantages would accrue to the old States or the new, from the system of distribution which this bill proposes, if it were otherwise unobjectionable. It requires no argument to prove that if three millions of dollars a year, or any other sum, shall be taken out of the treasury by this bill for distribution, it must be replaced by the same sum collected from the people through some other means. The old States will receive annually a sum of money from the treasury, but they will pay in a larger sum, together with the expenses of collection and distribution. It is only their proportion of *seven-eighths* of the proceeds of land sales which they are to *receive*; but they must *pay* their due proportion of the *whole*. Disguise it as we may, the bill proposes to them a dead loss, in the ratio of *eight* to *seven*, in addition to expenses and other incidental losses. This assertion is not the less true because it may not at first be palpable. Their receipts will be in large sums, but their payments in small ones. The *governments* of the States will receive *seven* dollars, for which the *people* of the States will pay *eight*. The large sums received will be palpable to the senses; the small sums paid, it requires thought to identify. But a little consideration will satisfy the people that the effect is the same as if *seven hundred dollars* were given them from the public treasury, for which they were at the same time required to pay in taxes, direct or indirect, *eight hundred*.

I deceive myself greatly if the new States would find their interests promoted by such a system as this bill proposes. Their true policy consists in the rapid settling and improvement of the waste lands within their limits. As a means of hastening those events, they have long been looking to a reduction in the price of public lands upon the final payment of the national debt. The effect of the proposed system would be to prevent that reduction. It is true, the bill reserves to Congress the power to reduce the price, but the effect of its details, as now arranged, would probably be forever to prevent its exercise.

With the just men who inhabit the new States, it is a sufficient reason to reject this system, that it is in violation of the funda-

mental laws of the republic and its Constitution. But if it were a mere question of interest or expediency, they would still reject it. They would not sell their bright prospect of increasing wealth and growing power at such a price. They would not place a sum of money to be paid into their treasuries, in competition with the settlement of their waste lands and the increase of their population. They would not consider a small or a large annual sum to be paid to their governments and immediately expended, as an equivalent for that enduring wealth which is composed of flocks and herds, and cultivated farms. No temptation will allure them from that object of abiding interest, the settlement of their waste lands, and the increase of a hardy race of free citizens, their glory in peace and their defence in war.

On the whole, I adhere to the opinion expressed by me in my annual message of 1832, that it is our true policy that the public lands shall cease as soon as practicable to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their surveys and sale. Although these expenses have not been met by the proceeds of sales heretofore, it is quite certain they will be hereafter, even after a considerable reduction in the price. By meeting in the treasury so much of the general charge as arises from that source, they will hereafter, as they have been heretofore, be disposed of for the common benefit of the United States, according to the compacts of cession. I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated; and that after they have been offered for a certain number of years, the refuse remaining unsold shall be abandoned to the States, and the machinery of our land system entirely withdrawn. It cannot be supposed the compacts intended that the United States should retain forever a title to lands within the States, which are of no value, and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States.

This plan for disposing of the public lands impairs no principle, violates no compact, and deranges no system. Already has the price of those lands been reduced from two dollars per acre to one dollar and a quarter, and upon the will of Congress it depends, whether there shall be a further reduction. While the burdens of the East are diminished, by the reduction of the duties upon im-

ports; it seems but equal justice that the chief burden of the West should be lightened in an equal degree at least. It would be just to the old States and the new, conciliate every interest, disarm the subject of all its dangers, and add another guarantee to the perpetuity of our happy Union.

Sensible, however, of the difficulties which surround this important subject, I can only add to my regrets, at finding myself again compelled to disagree with the legislative power, the sincere declaration, that any plan which shall promise a final and satisfactory disposition of the question, and be compatible with the Constitution and public faith, shall have my hearty concurrence.

ANDREW JACKSON.

December 4th, 1833.

IN SENATE,

March 26, 1834.

REPORT

Of the committee on agriculture, on so much of the Governor's message as relates to the establishment of a board of agriculture; and also, several petitions, praying for the establishment of an agricultural school.

Mr. Halsey, from the committee on agriculture, to which was referred so much of the Governors' message as related to the establishment of a board of agriculture; and also, several petitions, praying for the establishment of an agricultural school,

REPORTED:

That the committee have taken the several subjects referred to them into consideration, and bestowed upon them all the reflection which their importance demanded.

In his message, his Excellency observes, "there is no occupation which is so diversified in its objects, and requires such various knowledge to conduct it skilfully, as that of agriculture. This knowledge results from experiments, in all climates, soils and seasons, and is consequently to be derived from different countries. It receives large contributions from the mechanic arts, and from the sciences of botany, chemistry, and natural philosophy. The patronage of the government can scarcely be directed to a more useful object than furnishing the means of collecting information on this subject, and of spreading it among the agricultural population. A board, composed of practical farmers and men of scientific acquirements, would possess great facilities for concentrating this various and scattered information; and the best means of disseminating it among the people, would be afforded by a public institu-

tion, under the direction of such a board, where agriculture should be taught as a science, and practically illustrated as an art."

The committee entirely concur with his Excellency in the general remarks above quoted; and if any scheme could be devised by which, in the opinion of the committee, "the patronage of the government" could be made practically beneficial to the agricultural population of the State, they would most cheerfully recommend it to the favorable consideration of the Senate: But, admonished by the failure of former experiments, founded upon plans of the most promising appearance, they have not, in the consideration of the one proposed by his Excellency, found assurances sufficiently encouraging to warrant them in recommending its adoption.

At different periods of time, legislative provision has been made, and money appropriated, for carrying into effect plans somewhat similar to the one above mentioned; but after a few years of lingering existence, all, it is believed, have been abandoned.

To obtain correct information on this subject, it will be necessary to enter into a detailed examination of past legislation, as well as to pass in review the several schemes which have been placed before the public in legislative documents, and by publication of the opinions of distinguished individuals.

The act to incorporate the society for the promotion of agriculture, arts and manufactures, passed March 12, 1793, created a society composed of practical agriculturists, and men of scientific acquirements. The corporation was to continue until May, 1804, and was empowered to hold real and personal estate, of the annual value of eight hundred pounds. A president, vice-president, treasurer, and two secretaries were to be elected; and the members of the Legislature were to be honorary members. In 1804, the act was revived and made perpetual. By the last mentioned act, the society was allowed to hold real and personal estate to the yearly value of two thousand five hundred dollars.

This society was at first a voluntary association of distinguished citizens from different parts of the State. Believing that it would enable them to act much more efficiently, they applied for, and obtained a very liberal act of incorporation, which was subsequently

renewed, as above mentioned. They proceeded under their charter to publish several volumes of transactions, essays, &c. And no doubt the public derived much benefit from the labors of individual members, particularly the distinguished president of the society, (the late Chancellor Livingston,) who deserves to be ever held in grateful remembrance, for his useful labors in agricultural improvements, as well as his liberal encouragement of the mechanic arts. If it had been possible for the most persevering industry and ardent patriotism, aided by almost unbounded wealth, to have succeeded in rendering such a plan of operations of great public utility and benefit, it would seem that this society could scarcely have failed. And yet the decease of many of the original members, the urgent calls of others to public or private business, with other causes which it is not necessary to mention in detail, induced the remaining members of the society, some years ago, to have it incorporated into, and it now constitutes a department of the "Albany Institute," of this city.

In 1819, the "Act to improve the agriculture of this State," was passed, appropriating \$10,000 annually for two years, to be distributed among the several counties. A sum was to be raised by contribution in each county; and on the affidavit of the president and treasurer of the county societies, of the sum actually raised, the Comptroller was authorized to draw on the Treasurer of the State for a sum equal to the amount raised by contribution; not however, exceeding the sum apportioned to each county by the aforesaid act.

The county societies were to elect such, and so many officers as they deemed proper, who were to be "practical farmers." The presidents of the county societies, or delegates to be elected by the societies, to form a "Board of Agriculture" for the State, who were to convene at the Capitol in the city of Albany, on the first Monday after the annual meeting of the Legislature. The same act appropriated one thousand dollars, to enable the "Board of Agriculture" to purchase and distribute among the several agricultural societies, such useful seeds as they might deem proper, and to defray such other necessary expenses as might be incurred by the Board. In 1820, the provisions of the act were extended for the period of four years. In 1822, the act of 1819 was amended, and the supervisors of any county in which no agricultural society had been formed, or where any agricultural society had neglected to raise by voluntary subscription, a sum equal to the sum appropri-

ated for the benefit of the county, were authorised to raise annually during the continuance of the said act, a sum equal to the sum appropriated by the act of 1819. The sum so raised, together with the sum appropriated (by the act of 1819,) was to be expended and paid in such manner as in the judgment of the supervisors would best promote the agriculture and family domestic manufactures of the county.

Under these several acts, agricultural societies were formed in nearly all the counties in the State. The officers, it will be seen, were to be "practical farmers." They were furnished with money to enable them to offer premiums on such articles and productions as they might deem best. Each person who received a premium, was to furnish a description of the whole process used in cultivating the soil, and in raising the crop, or feeding the animal, &c. The reports were to be filed in the office of the Secretary of State; and the "Board of Agriculture," (any five of whom was to form a quorum,) were to select such as they might deem advisable, and have them published.

In theory, the general features of this plan seemed to afford promise of much public benefit. In its practical operation however, it disappointed the hopes and expectations of its projectors; and the committee regret to be obliged to say it had little or no effect in improving the agriculture of the State. For although many practical farmers entered into the execution of it with all the patriotic ardor, for which, as a class, they are so generally distinguished, their efforts were either so feebly seconded by others, that no real benefits resulted from their labors; or, (as was the case in too many instances,) persons who were wholly destitute of practical knowledge, took from them the management of the affairs of the societies, and, by rendering it subservient to individual or sectional purposes, prevented them from exercising that benign influence which had been expected. The effects may, in one or two instances, have been different from what is here stated. But such instances have not fallen under the observation of the members of the committee; nor do they suppose that the actual amount of benefit to the agricultural population can be, with the least propriety, put in comparison with the evils which have resulted from the expense and loss of time to those farmers who attended the meetings of the societies, and the exhibitions necessary to execute the plan.

But the evil effects did not stop here. The excitement produced by the formation of these societies induced many farmers, possessed of large farms, which they had successfully cultivated for a great number of years, to try a series of trifling experiments, in striving to raise the best single acre of wheat or other grain, (or even the best rod square of vegetables,) to the neglect of the more important matters of the general good management and cultivation of their farms. Besides, the committee are of the opinion that much moral evil has resulted to the community from those meetings of the societies more particularly for exhibitions. It can not be supposed that where an excitement has been produced, and large congregations of people brought together on such occasions, (most of whom are attracted by motives of curiosity only,) all will conduct properly and correctly. Many vicious propensities which, if their possessors were not induced to attend those meetings would at least lay dormant, are brought into action, and produce consequences which must be deplored by every good citizen. That such is the case, the experience of the past has sufficiently demonstrated.

In Assembly Document No. 312, of the session of 1833, another plan, (nearly similar however to that adopted by the Legislature of 1819,) has been proposed. It seems to be a projet or plan of a State institution, with a branch in every county in the State. The State institution to consist of delegates from the county societies, and the members of both branches of the Legislature. Twenty-five thousand dollars annually to be appropriated, part of which to be distributed by the State institution to the county societies, on the ratio of \$150 to each member of Assembly, and the residue to constitute a fund for the State institution, to expend in procuring choice, select, rare and useful animals, vegetables, seeds, implements and essays on agriculture, for public distribution. The State institution to be a body politic and corporate for twenty years, and to be allowed to hold real estate to the value of \$25,000. Officers to be paid salaries not exceeding \$200 yearly.

The committee are satisfied that the same causes which prevented the plan adopted in 1819 from producing any material benefits, would operate against the success of this scheme. And they can see no good reason for making another experiment on a plan so nearly similar to one which has been unsuccessfully tried.

A late president of the Berkshire agricultural society, in Mass., in his history of the rise, &c. of that institution, says, "the great business, (in forming agricultural societies,) in the first stages, is, to kindle up a spirit of ambition, a love of country, in a word, a general strife." But he confesses that "Sir John Sinclair could never have succeeded in exciting a general spirit of emulation in this country, where we are in a state of comparative infancy, with a scattered population, spread over a great surface." He also says, that "agricultural societies have existed many years in America. Those which pursued the British model, which was not congenial to the genius of our country, failed; although conducted by gentlemen of the highest respectability and of ardent patriotism." And he gives it as his opinion, that "the sooner the State Board of Agriculture settle upon a system congenial to American habits and the state of our society, without any reference to Europe, in that respect, the greater will be the public benefit." He recommends a "Board of Agriculture, to be supported at the public expense, with a faithful and competent clerk." This distinguished individual, after "twelve years continued exertion" to produce the "excitement" necessary to institute and keep up agricultural societies, appears to have become much discouraged at his ill success, and declared his intention, at the next anniversary, (1820,) "to be a humble spectator."

It will be seen that, for the reasons above given, the committee do not approve of the plan which he recommends. Nor do they believe that "getting up a general strife," or "excitement," is the best mode of improving our agricultural system. All excitements tend to impair the natural and proper action of the moral, as well as physical powers; and as pernicious consequences flow from undue public excitements, as are produced in individual cases. It is not believed to be more necessary to stimulate, by an excitement, the natural propensity of farmers to acquire wealth, than it is that of the professional, or any other class of our population.

In the report of the committee of the State agricultural society, (formed in 1833,) attached to Senate Document No. 79, a "plan" of an agricultural school, or college, is exhibited. It is proposed to establish it on a large scale, with "a farm of sufficient extent to afford room for the diversified operations of tillage, cattle and sheep husbandry, and of orcharding and gardening." A farmhouse and farm buildings, school building, with library and philo-

sophical apparatus, stock and implements for the farm, and shops for the construction of farm implements and machinery, and illustrations of mechanical science," &c.

To put the school into operation, the services of a "principal, professors and teachers, a steward and servants," will be required; and for the farm a "manager, and laborers, and assistants," and "machinists and assistants for the shops;" also "a gardener for managing the garden and orchard." It is supposed that 200 pupils would attend, and the school buildings are proposed to be erected large enough to accommodate that number. The estimated expenses are as follows:

"Preliminary expenses.

Farm of 400 acres at \$30,.....	\$12,000
Farm buildings,.....	6,000
School buildings,.....	25,000
Library and apparatus,.....	7,500
Stock and implements, (for the farm,).....	3,150
Shops and tools,.....	1,250
Furniture for school,.....	1,150
Incidental,.....	1,500
Total preliminary expense,.....	\$57,550

Annual expense.

Salaries of officers and teachers of school,....	\$5,100
do manager and laborers on farm,....	1,000
do machinists,.....	600
do gardener,...	300
Servants for the establishment,.....	2,000
Estimated annual expense,.....	\$23,400
	\$80,950

The annual receipts are computed as follows:

Board and tuition of 200 pupils at \$150 per annum,.....	\$30,000
Produce of farm,.....	4,000
	\$34,000"

The "plan" embraces an appropriation of \$160,000, for the purpose of "establishing the school and maintaining it the first year," and if any surplus is left at the end of the year, it is to be "invested for the benefit of the institution." It is not pretended that a precise estimate of the amount can be made, inasmuch as the "number of officers, teachers, managers, laborers," &c. &c. "must depend upon contingencies;" and the committee are of the opinion that the total annual and preliminary expenses would be much greater than the sums at which they are estimated. It is well known that the actual cost of all our public buildings and improvements has greatly exceeded, and in many instances has been more than double, the estimated amount. This discrepancy between the estimated and actual cost is produced by circumstances which cannot be foreseen and provided for in making an estimate, but which arise in the progress of the work; and although the actual cost may be swelled to an enormous amount, the work, when once begun, must be completed, or the labor and expense bestowed upon it will be lost.

The total "preliminary expense," is estimated at but \$57,550, but from the magnitude of the "plan," the committee are satisfied that that sum would be but a moiety of the cost. Indeed it is believed that the estimate would not be too high if stated at the whole amount of the appropriation contemplated by the "report." From the "contingencies" mentioned in the report, and the fluctuations in the prices of provisions and labor, the actual annual expense would also far exceed the estimate, which is stated \$23,400.

The amount estimated to be annually produced from the farm is \$4,000, which would be at the rate of about 19 per cent of the first cost of the farm, farm buildings, stock and implements, or very nearly 7 per cent on the total "preliminary" cost (of \$57,550) for the farm, farm buildings, school buildings, library, philosophical apparatus, stock, implements, shops, tools, furniture, and incidental expenses! The experience and observation of the committee have satisfied them that the most thrifty and fortunate farmers in the State do not realize half that rate per cent annually of the value of their farms. Indeed it is generally estimated at but three to four per cent. If rated at four per cent on the estimated cost of the farm, farm buildings, stock and implements, the amount would be but about \$850 annually.

Another source of revenue, and the one chiefly relied on it seems, is the board and tuition of 200 pupils, at \$150 each per annum, estimated to produce to the institution the sum of \$30,000 per year. The committee can scarcely suppose this to be a rational estimate. No farmer in ordinary circumstances could afford to pay the sum of \$150 per year for the instruction and board of one (or more) of his sons, amounting to \$600 for the "four years" residence at the school. Indeed, but few practical farmers could well dispense with the aid and services of their sons for that length of time, aside from the heavy draft upon their income for "board and tuition." Besides, they would probably suppose, (and the committee believe with much propriety in general,) that they were as capable of instructing their sons in the best and most profitable mode of cultivating a farm as the principal of the state institution, or rather the "manager of the farm," for the principal would undoubtedly have all his time occupied in making experiments, &c. in the chemical and philosophical departments of the school. It is not probable, therefore, that many except the sons of gentlemen of fortune would enter the school, and perhaps but few of that class would prefer farming to professional business, for the wealth of their parents would no doubt enable them to make their own choice as to which they would pursue. The committee cannot, therefore, believe that one-fourth part of the estimated amount would be annually received for "board and tuition."

But to show at once that no reliance whatever can be placed on these estimates, it is only necessary to state, that the income is estimated at about sixty per cent of the first cost, and the excess of income, (over and above the annual expense,) at about eighteen and a half per cent of the "total preliminary expense" (or first cost,) of the whole establishment.

Respecting the public benefits to be derived from the establishment of "a pattern farm and an agricultural school," the committee believe that there has been as much exaggeration as in the estimated profits on the "plan" above mentioned. It is well known that experiments in chemistry often lead to entirely erroneous conclusions, from causes unknown to the chemist at the time of making the experiments; and instances have occurred where the errors have not in many years, (if ever) been detected.

It seldom happens that two chemists obtain the same results in analyzing the most common vegetable. Indeed, in successive ex-

[Senate No. 110.]

periments, upon the same vegetable, by the same chemist, and under circumstances as nearly similar as possible, the results are generally different. Changes are continually taking place in the soil from natural causes; and as long periods of time are required to make experiments on a farm, there is little probability of success in attempting to apply to practical farming, the experiments of the laboratory or school room.

The diversity of soils, situations, and even climates, is so great in our "empire State," it is evident that experiments tried upon a "pattern farm," located in any one part of it, cannot be made to indicate the proper system to be pursued on very many other farms in the State. Even if the whole scope of any one county were taken into view, it would be impossible to found any system of farming upon and make it generally applicable to the successful cultivation of farms in other counties. The modes of cultivation in the eastern counties could not be successfully practised in the western parts of the State; nor those of the counties south of the mountains made to apply to the climate and soil of those in the northern, or even the middle parts of the State.

In some of the petitions referred to the committee, it is stated that "the young men educated at an agricultural school, by settling in different portions of the State, would not only diffuse a greater taste for the pursuit of agriculture, but by their practice would impart the information they have collected, to the benefit of a large class of citizens; that we should thereby have better horses, cattle and sheep, and materially increase the quantity and improve the quality of the several kinds of grain."

The experience and observation of the committee have led them to a different conclusion. Although many young men with whom they were acquainted have attended agricultural schools, they have not known of a single instance where one of them has returned to the "dull pursuits of civil life," in practical farming. They have invariably turned their attention to and pursued some professional or other business, which they imagined to be an easier if not a more expeditious mode of acquiring wealth and distinction; and the chances of ultimate failure in every pursuit, were much increased from the imperfect manner in which they had been educated; having, from the short period of time devoted to the study of each of the numerous branches attempted to be

taught, acquired but a smattering of theoretical, without the practical knowledge necessary to the successful prosecution of any.

The committee, on full consideration of the subject, have come to the conclusion, that no legislative action can be made efficient, or is necessary, in aid of practical farming in this country. But in expressing this opinion, they would not be understood to be opposed to the acquirement of scientific knowledge by our farmers. Much useful information might undoubtedly be obtained, if, during their leisure hours, they were to employ themselves in reading well selected books and papers on agricultural subjects. Those books, and particularly the agricultural papers, contain facts, generally drawn from the experience of practical agriculturists, stated in such plain and clear language as to be easily understood by those for whose benefit they are designed. And although the committee would not recommend the establishment of an "agricultural school," or "board of agriculture," or any other State or county society, or "institution," they are of the opinion, that very great benefit would be derived from the introduction of agricultural books and papers (bound up for that purpose,) into our common schools, for reading and class books. They believe that by this means the diffusion of knowledge would be much more general, and it would be applied to the use and benefit of that particular class of our population who stand most in need of it; as nearly all our farmers' sons receive their education entirely at those schools. Thus, the rising generation, while acquiring elementary scientific knowledge, would at the same time be learning the theory of the art of husbandry; and this too, without being deprived of the advantages of constant practice under parental superintendence; the great expense of attending a course of lectures at a State institution; or the hazard of acquiring indolent and vicious habits at such a school.

The petitioners appear to suppose that a State agricultural school would "materially increase the quantity and improve the quality of the several kinds of grain," &c. The committee believe it will not be necessary to establish one for that purpose. It is well known that nearly (if not quite) all the improved breeds of animals and kinds of grain which have been successfully introduced into our country, were imported by individuals, and not by societies. This fact goes far to prove that no public institutions are necessary to quicken and bring into action the enterprising spirit of our farmers

for improvement in this respect. And heretofore, when a less quantity of produce has been raised by them than their farms were capable of growing, it has not appeared to be from want of knowledge or skill in the farmers, but for want of an outlet or market for their surplus produce. The increase in production has invariably kept pace with the increase of facilities in reaching the markets, or the enhancement of price.

Many comparisons having been made between the farmers of Europe and those of our own country, much to the disadvantage of the latter, a brief sketch of the ancient and modern modes of European agriculture, &c., with a view to vindicate the character of our farmers from these injurious aspersions, will not, the committee trust, be deemed improper.

Nearly all the nations of ancient times appear to have been "tillers of the ground." Little however, is known of their systems of agriculture. For although many volumes are said to have been written on the subject, they were, from the improvements of later times, deemed of no value, and lost, or perhaps destroyed in the general wreck of the empires and nations to which they belonged.

The system of husbandry pursued by the Greeks, appears to have been extremely imperfect. And notwithstanding the advantages they possessed, of a very perfect knowledge of some of the mechanic arts, their implements of agriculture were not only few in number, but very roughly made, and inconvenient in their construction. They do not appear even to have been acquainted with the use of the harrow; for we are informed that the "seed was sown by hand and covered with a rake." They also "pounded their grain in mortars or quern-mills, into meal," for family use.

The Romans do not seem to have merited the extravagant encomiums so liberally bestowed upon them by Virgil, and others, for their superior knowledge on this subject. Their agricultural implements were of the rudest kind; and they appear to have practised no other mode of threshing their grain, than by "throwing it from one side of the floor to the other." They had several kinds of ploughs; some "with one mould-board and some with two, and others with a coulter."

Italy, at the present day, probably exhibits pretty fair specimens of what the Roman implements were. The ploughs of that coun-

try are represented as being "rude contrivances, with handles 13 or 14 feet long."

In Germany also, agriculture appears to be in but an imperfect state. Their ploughs and wagons are said to be "unwieldy and inefficient," and although considerable improvement is said to have been made within a few years, it is evident much more must take place before their system will be brought to any great degree of perfection.

In France there seems to have been but little improvement within the last century, although as early as in 1761, there were thirteen principal, and nineteen auxiliary agricultural societies in that country. Many new societies were established by Bonaparte; and "professorships, botanical and economical gardens for the exhibition of different modes of culture," established. But the implements of husbandry are said to be "generally rude and unwieldy, and the operations of husbandry unskillfully performed." The French, however, probably excel all other nations in the cultivation of the vine and in making silk.

Of all the nations of Europe, the English appear to have made the greatest progress in improving their system of husbandry. And their agricultural implements, the manner of using them in cultivation, and the modes of culture pursued, are probably the most perfect of any in the old world. The population of this country, being chiefly emigrants from that, introduced the system and implements of husbandry in use there, in the time of "the pilgrims." And being children of the "mother country," speaking the same language, and having constant communication with that nation, has enabled our agricultural population to avail themselves of all the modern improvements made in that country; and even to excel in the construction and use of their implements, and the modes of cultivating the soil, without the aid of agricultural schools.

The most enterprising part of the population of a country, emigrate. The privations incident to the settlement of a new country, oblige the emigrants, by invention and industry, to supply their wants, and obtain the conveniences enjoyed in the country from whence they came. Their inventive powers, quickened by necessity, push them forward not only to an equal degree of perfection, but to make great improvements on former systems. Hence

it is, that in a few years, we see the condition of the people in a new country, generally better than that of the same class in the old.

The committee have observed that wherever the government has attempted, by rules and regulations, to improve the condition of any class of the people, its interference has only tended to paralyze individual enterprise, which, if not left to act as its natural impulse directs, becomes lethargic and inactive. Under our free institutions, this is the more to be deprecated; because in such cases the people are thereby induced to become the mere dependants of the government. And instead of relying upon their own resources to supply their wants, they look up to, and expect to receive, from the bounty of the government, what they ought to obtain for themselves, by their own enterprise and industry.

The European schools have been established under aristocratic or monarchical forms of government. If it were necessary, or possible, to force improvement upon the population of a country, they possess more powers and facilities for that purpose than our own. And yet they have been able to render those institutions only of doubtful utility. The emigrant farmers from Switzerland, France and Prussia, where the most celebrated schools are said to be located, have generally been so ignorant of the art of farming as to require much instruction, before they could be profitably employed. And the rudely constructed vehicles and implements of agriculture, brought to this country by those emigrants, show that they are so far inferior as not to be put in comparison with our own. Even the emigrant farmers from England, (where agricultural science has been carried to a much greater degree of perfection than in any other country in Europe,) instead of being teachers of the art, are obliged to become pupils, and learn the modes pursued by our native agriculturists. And it is believed that not an instance is known where an emigrant was successful, who practised upon the English, or any other European system.

Situated as we are, with a country which, (though but lately a wilderness,) is being improved with unparalleled rapidity, by an agricultural population more capable than that of any other nation of improving its condition, if not prevented by indiscreet legislative interference, where shall we look for instruction? It is

evident that no foreign nation can impart it to us. And equally evident that scholastic establishments in our own country would only create a set of drones, who, from their imperfect education, would not be capable of practically instructing others, even if they possessed sufficient industry to make the attempt. In the opinion of the committee, our farmers might, with great propriety, say to us as did the citizens of Paris to the great Colbert, when he asked them "what he could do to better their condition?" "Let us alone."

The committee are entirely satisfied that it is best to leave the manner of improving their condition, (as we have that of the other classes of our population,) to the acute sagacity and penetration of our practical farmers. Their talents and knowledge are fully adequate to the task, unless by overweening legislative tenderness, in attempting to aid them, we paralyze their genius and enterprize and thereby lead them into a speculative course of unprofitable experiments, instead of pursuing the certain and profitable modes of culture, from which experience has demonstrated that the most rapid and unexampled improvements have resulted.

Aside from the foregoing considerations, the embarrassed state of our financial concerns would render it necessary to resort to loans or direct taxation, to obtain funds for the establishment of a school or schools. The committee deem a resort to loans, for this purpose to be altogether objectionable. Believing it to be a most unwise and ruinous course to run in debt for the purpose of trying experiments which do not afford promise of the least utility. It is not supposed that the most ardent friends of the plan would recommend the levy of a direct tax for the purpose. If they did, the committee are quite certain it would not meet with the approbation of our practical agriculturists, nor indeed of any other class of our citizens.

Being of the opinion that legislative action would be inexpedient and unwise, and that therefore the prayer of the petitioners ought not to be granted, the committee ask to be discharged from the further consideration of the subject.



IN SENATE,

March 24, 1834.

REPORT

Of the select committee, on the bill from the Assembly entitled "An act to incorporate the Orleans hydraulic company."

Mr. Cary, from the select committee, consisting of the Senators from the 8th Senate district, to which was referred the bill from the Assembly entitled "An act to incorporate the Orleans hydraulic company,"

REPORTED:

The object of the said company is to erect a dam at the mouth of the Oak Orchard creek, in the town of Carlton, and to create hydraulic privileges for manufacturing purposes, which dam will obstruct the navigation of the said creek, (which for more than thirty years has been public,) and overflow lands belonging to individuals who have no connexion with the company. The bill provides a special tribunal to ascertain and assess the damages of the owners of such lands.

In every point of view in which the bill presents itself it seems to the committee to be objectionable.

1st. The dam would be an unnecessary obstruction of navigable waters.

2d. Individuals would be compulsorily deprived of the occupancy of their lands.

3d. No adequate public advantage is promised as a justification of the measure.

A petition asking for similar powers was before the Assembly in 1833, and very properly rejected. The grounds of the rejection are set forth in the report of the committee of the Assembly; Assembly Documents 1833, No. 253.

The committee report against the passage of the bill.

[Senate No. 111.]



IN SENATE,

March 28, 1834.

REPORT

Of the select committee on the petition of James Geery and others.

Mr. Sudam, from the select committee, to which was referred the petition of James Geery and others, in behalf of the Second Associate church in the city of New-York,

REPORTED:

That in considering the reasons presented by the petitioners, they are satisfied that the aid of the Legislature is necessary, to carry into effect the benevolent intentions of the founders of this church.

They desire, that the election of the trustees shall be by persons in full communion; and the power to mortgage their real estate, as an indemnity to the original founders of the church, for money actually expended and laid out by some individuals of that church, so that the lien shall be authorized by the minister and trustees, and not by a general vote of the whole congregation; the trustees being chosen by those in full communion.

The object in view is laudable, the end moral, and the necessity of the provision apparent from such powers not being delegated by the Revised Statutes.

The committee report by bill.

[Senate No. 112.]



**IN SENATE,
March 28, 1834.**

REPORT

**Of the committee on claims, on the petition of John
and Matthew Pratt.**

Mr. Sudam, from the committee on claims, to which was referred the petition of John and Matthew Pratt, praying for relief and a repayment of surplus moneys on the sale of land,

REPORTED:

That the claim has been under the consideration of the Senate, in 1832, and 1833. The report of the Comptroller in favor of the petitioners, will be found in the Senate Documents, No. 15, of 1832, and the report of the committee of the Senate, No. 59, Senate Documents in 1833, all the necessary papers accompanying the documents; and your committee are not aware of any reason why relief has not before been granted to the petitioners, and they offer a bill for their relief.



IN SENATE,

April 1, 1834.

REPORT

Of the committee on State Prisons.

Mr. Macdonald, from the committee on State Prisons,

REPORTED:

That they have had under consideration the following resolution:

"Resolved, That the committee on State Prisons be instructed to inquire into the expediency of regulating the character and the prices of the labor of the convicts in the State Prisons at Auburn and Sing-Sing, so that the same may not interfere with the free labor of mechanics and artizans, and that they report by bill or otherwise;"

Together with several petitions from the counties of Albany, Rensselaer, Schenectady, Cayuga, Tompkins and Tioga, relative to the pursuit of mechanical employments by the convicts of our State Prisons, complaining that the labor of said convicts is sold at reduced prices, and affects injuriously the mechanical industry of the State, and praying for relief.

By the present system of State Prison government, as it has been established for several years at the Auburn, and more recently at the Mount-Pleasant prisons, the convicts are hired out to such persons as will give the highest price for their labor at various mechanical employments. It is the duty of the officers of these prisons, to obtain the best possible wages they can, for the services of the convicts, and the committee have no information which

leads them to doubt but that the highest sums are demanded, which they can hope to receive.

The advantages to a contractor of having the entire control of a given number of men, who could be employed with perfect certainty in fulfilling engagements, would appear to be so great, as to ensure to the State, according to the several ability of the convicts, a full demand for their labor. And as it would be the interest of the various persons conducting mechanical operations to secure these advantages, so would they be willing to pay the best prices for the same which the market would afford. A failure to do this, when the convicts are offered to the competition of contractors, would result in the loss of their services, which would only be secured by those offering the highest prices. If the contract in such case be still let at too low a price, no one can complain, where all have had an opportunity for competition. On the other hand, if a contract be taken at too high a price, the contractor must lose by the operation, or only succeed by superior skill and ability in conducting his business.

But can the mechanic, who succeeds in obtaining the labor of the convicts, undersell those who have competed with him for such labor? It would seem not, because the proposals of all of them, if made with the same knowledge and judgment, must differ so slightly, as to leave no sufficient room for this. It is understood that in a number of cases where persons have attempted to conduct various mechanical branches at the Auburn prison, they have found themselves unable to compete with the mechanical industry of the country, and have been compelled to abandon such pursuits. If then, the services of the convicts are let out at a fair value, it is quite evident that the mechanical productions from their labor cannot be afforded, and will not be sold at a less price than the same productions obtained from the hands of any other workman. And thus far, it is plain, that the mechanic, whether a contractor or a journeyman, is not injured by the employment of the convicts, in such branches of industry.

And in all this there is no monopoly, as is erroneously stated in some of the petitions; for their services are freely offered to all, and are sold, and sold only, to such as will pay the highest price for the same. If a mechanic shall, by a more exact calculation, greater foresight, a better knowledge of his business, or from any

other cause, be enabled to make a better offer and succeed in taking a contract, surely his competitors have no ground for complaint. The same causes would have given him the like advantages, in the employment of journeymen, or in conducting his business in any other manner. In mechanical branches and in all other kinds of business, we behold men commencing life under similar circumstances, and with equal prospects of success, and yet arriving at very different results. Some rapidly accumulate fortunes, others merely obtain a competency, while others again sink into poverty. Success in life depends not merely on peculiar advantages, or fortunate occurrences, but is invariably commanded by the skilful, the industrious, the enterprising and the prudent, and by these alone.

But are our markets overstocked by reason of the employment of State convicts at mechanical labors? This is not pretended; nor can any depression in the market be justly chargeable to such cause. It is a well established principle in political economy, that extended production introduces extended demand. In a rapidly increasing city like New-York, it is believed that the addition of one thousand mechanics in the course of a year would produce no permanent effects upon the prices in that market. In some instances it is probable that more than that number has been added to its population within the above named period. A few years since, at a time of depression, when rents became low, it was said that from one thousand to fifteen hundred carpenters left that city in a single season for want of employment. The wages of carpenters varies perhaps every year more or less, according as there is a greater or less demand for their services; and the slightest depression, or quickening of the market in New-York, instantly affects the various mechanical as well as other business operations of that city. All these matters are perfectly well known, and felt, and understood there. But no instance has come to the knowledge of this committee, in which any thing like a general effect upon the market, from the production of State Prison labor, has been pointed out or pretended.

Again, it is said, that convicts should not be permitted to learn mechanical trades in prison, because they may, after leaving it, be employed in shops with journeymen and apprentices, whose morals they may corrupt. But whether they are suffered to learn mechanical branches, or whether employed at all or not in prison, it is plain, that when discharged, they are left to seek some calling for

a livelihood. Shall they then go into the farmer's house as day laborers, working with his children and sitting by his fireside? Is this a smaller evil? Or shall they become servants, and seek employment in the more menial offices? Still honesty, integrity and *fair reputation* are absolutely *necessary*; and thus they will be utterly excluded from all *such* callings. In short, wherever they go, and whatever they do, they must mingle with and be employed by their fellow-men; and whatsoever of evil or of injury may result, will affect one portion of society as deeply as another. Such, however, as are willing to work at all, and as intend to lead virtuous lives, return, it is believed, almost invariably, to the places of their conviction, and amongst their friends; whilst hardened offenders resort immediately to crime, refusing to labor, and retreating to the haunts of old associates whence they may again prey upon the community.

In the views of this committee, as set forth above, there may be found sufficient reasons to warrant the continuance of mechanical industry in our State Prisons. But when they look at the effects of such employment upon vast numbers of the poor wretches subjected to our prison discipline, its immense value and importance is placed beyond a doubt. How many are led into crime for want of employment? the want both of a wish to labor and the knowledge of supporting themselves by labor. Here, then, they learn the way and means of supporting themselves; their minds as well as their bodies become disciplined to labor, and they acquire habits of thought and reflection, habits of skill and industry, to which before they were utter strangers. And when discharged from prison, they go forth into the world, trained and prepared for its business, its occupations and its duties, many of them emphatically "new creatures."

That the reformation of State Prison convicts is not merely speculative, may be inferred from the small number of second convictions, which our prison reports disclose. But the after lives of so many have been traced, that the reformation of no inconsiderable number is well attested. Indeed, it is not unlikely that almost every one who now hears these remarks, may be aware of some such instance of reformation, within the circle of his own neighborhood or district.

Upon the whole, it is evident, that the system of mechanical employment at the State Prisons, is not necessarily a "monopoly," if the convicts are let out to different persons, at diffe-

rent branches of business, and may be had by any one who will pay a sufficient price for their services: that the tendency of the system is to command the highest prices which the market will afford for their labor, if they are hired out to those only who offer the best wages for the same: that the system thus carried into practice, (whatever may be the effect of superior skill and enterprise,) the contractor for convict labor merely, cannot afford and will not be able, to undersell the market: that it is not oppressive upon the mechanics of this State, because our markets are not overstocked with the productions of mechanical industry; because there is a sufficient demand, at fair prices, for all such production, and because the general market of this State, which is so sensitive to the mutations of commerce and the prosperity or ill success of the country, cannot be affected by the whole production of the limited number of convicts confined in our State Prisons: that it is not a competition between "felons and convicts, and honest mechanics," in any sense whatever, because the convict is deprived of his liberty, is the mere slave of the State, and labors for the *public* good and to lessen the *public* burthens: and, that it is not injurious to society; but on the contrary, as all experience abundantly testifies, it is the only mode which has ever been put into successful operation for the reformation of criminals and the consequent prevention of crime.

With our penitentiary system as at present organized and conducted, the people of this State appear to be generally well satisfied. It is looked upon as a model for our sister States, and for the imitation of distant countries. Foreign governments have sent deputations to inquire into it, books have been written upon it, and it is universally admitted to be in the highest degree creditable to this country and to the present age. Such being the case, no change should be hazarded, the necessity or importance of which might be justly doubted.

But for the purpose of carrying into full effect the foregoing views, in securing a fair, and preventing an injurious competition, for the employment of the convicts at mechanical branches, the committee will submit a slight modification of the existing laws on this subject. Beyond this, they are decidedly of the opinion, that any further legislation would be unsafe, inexpedient and unwise.

The committee ask leave to introduce a bill.

A. MACDONALD, *Chairman.*



IN SENATE,

April 1, 1834.

REPORT

Of the committee on the judiciary, on the bill entitled "An act in relation to the surrogate of Greene county."

Mr. Lansing, from the committee on the judiciary, on the bill in relation to the surrogate of Greene county,

REPORTED:

The object of this bill is to take the individual case therein specified out of the operation of a general law. By the Revised Statutes the surrogates of the various counties have no authority to direct the sale of the real estate of a deceased person, unless application is made for that purpose, within three years after granting letters testamentary or of administration. Three years is the time limited for closing up the estate of a deceased person, as far as it regards the payment of debts. The creditors are prohibited from commencing suits against the heirs until after that time. In this case it seems the administratrix neglected to make the application, within the time specified, to sell the real estate of the intestate, and asks for the passage of this law, to authorize the surrogate to proceed in the same manner as if application was made in due time. It appears, from the papers accompanying the bill, that the intestate left ten heirs, most of whom are minors. The committee can not approve of legislating for every particular case, for the purpose of exempting it from a general law, especially when the same general law provides another remedy. The Legislature undoubtedly conceived it right and proper, and beneficial for both creditor and intestate's estate, that there should be a time limited for the settlement of the estate, and have prescribed the term of three years. If that time should not be considered sufficient it might be

extended by a general law. But the passage of special laws, to supply a defect or remove an obstacle caused by the negligence or carelessness of individuals, would encourage an inattention to the provisions of the statutes. But the situation of the estate intended to be affected by this act is not beyond the reach of the laws. The court of chancery has ample power to do justice to all concerned, either on the application of the creditors or on application by the guardians of the minors. In either case the chancellor has the power to authorize the sale of the land for the payment of debts. It is not unfrequent that applications are made to the chancellor, on behalf of infants, for that purpose, and the court of chancery is peculiarly the tribunal for the disposition and management of the estate of minors, and the interest of the infants can be and will be effectually protected. Your committee are, therefore, of opinion that the passage of the law would be injurious as a precedent, and is unnecessary to attain the object desired.

IN SENATE,

April 11, 1834.

REPORT

Of the Attorney-General, relative to the proof of wills, executors and administrators, guardians and wards, and surrogates' courts.

ATTORNEY-GENERAL'S OFFICE, }
Albany, April 11, 1834.

TO THE PRESIDENT OF THE SENATE.

SIR,

In pursuance of a resolution of the Senate, I submit herewith a report concerning the proof of wills, executors and administrators, guardians and wards, and surrogates' courts; and a bill relating to the same subjects.

I am, very respectfully,

Your obed't servant,

GREENE C. BRONSON.



REPORT, &c.

The Attorney-General, to whom was referred, by the Senate, on the 25th day of April last, the memorial of Ebenezer Mix, surrogate of the county of Genesee, with instructions to "examine the same and the law sought to be amended, and report to the Senate at their next session such amendments, if any, as he may deem necessary," respectfully submits the following

REPORT.

Mr. Mix proposes various amendments to the sixth chapter of the second part of the Revised Statutes, relating to wills and testaments, the distribution of the estates of intestates, and the rights, powers and duties of executors and administrators; to the third title of the eighth chapter of the same part, relating to guardians and wards; and to the first title of the second chapter of the third part of the Revised Statutes, relating to surrogates' courts. [2 Rev. Stat. 56, 150, 220.]

A comparison of these statutes with the former laws on the same subjects, will furnish abundant evidence that this part of the revision was very carefully considered by the Legislature, and that a decided improvement was effected in this branch of the law.

Although it is not supposed that the present system is perfect, yet it ought not to be abandoned or materially altered, until a fair experiment has not only demonstrated its defects, but clearly indicated the mode in which it may be improved. Repeated changes in the laws, especially in those which relate to rights of property and the common concerns of society, are injurious to the great body of the people; and should only be made, when it is apparent that the alteration will prove beneficial to the community.

Considerations like those which have been briefly suggested, induced the Attorney-General to doubt the expediency of proposing any amendments at this time; and it was not until after he had

conversed with several surrogates and one of the late revisors on the subject, that he made up his mind to propose a bill for the consideration of the Legislature. Those gentlemen have had favorable opportunities of observing the practical operation of the present system, and generally concur in the opinion, that some amendments should be made.

The proposed bill is entitled "An act concerning the proof of wills, executors and administrators, guardians and wards, and surrogates' courts." Its leading features relate,

First, to the mode of proving wills of real and personal estate—Sections 1 to 18:

Second, the granting of letters testamentary and of administration, and the revocation of letters of administration—Sections 19 to 30:

Third, the sale of the real estate of testators and intestates for the payment of debts—Sections 31 to 35:

Fourth, the removal and resignation of guardians appointed by surrogates—Sections 36 to 43: and

Fifth, to surrogates' courts—Sections 44 to 46.

FIRST. The mode of proving wills of real and personal estate—Sections 1 to 18.

By the present law, wills of real or personal property, or of both, may be proved before the surrogate of the proper county. [2 R. S. 56, 60.] But the mode of proceeding is different in the two cases. The person intending to apply for the proof of a will of real estate, must first give *notice* to the heirs of the testator, [p. 57, sec. 8,]: but on proving a will of personal estate, a *citation* must be first issued by the surrogate to the widow and next of kin of the testator. [p. 60, sec. 24.] Most wills relate as well to real as to personal estate; and this double mode of proceeding renders the system unnecessarily complicated and expensive. The same persons who are the next of kin, are usually the heirs at law of the testator; and there can be no good reason for requiring the service of two sets of papers to effect a single object.

This diversity in the mode of proving wills, probably resulted from a difference of opinion between the Legislature and the revisors. Before the late revision, wills of real estate were only valid when attested by *three* witnesses, while wills of personal pro-

erty did not require any attestation. For the purpose of granting letters testamentary wills were proved before the surrogate; but as a will of real estate, it could only be proved in the supreme court. [1 R. Laws, 364, sec. 2, 6; p. 444, sec. 3.] By referring to the reports of the revisors, it will be seen that they followed the former law in relation to the place of proving wills of real estate—the supreme court: and although they required two witnesses to wills of personal property, they retained the former provision, requiring three witnesses to wills of real estate. The Legislature struck out the provision in relation to the supreme court, and allowed wills of both descriptions to be proved before the surrogate. [2 R. S. 57, 60, sec. 7, 23.] They also rejected the section requiring *three* witnesses to wills of real estate, and adopted a uniform provision, requiring *two* witnesses to written wills of every description. [p. 63, sec. 40.] But the Legislature did not go through with the report of the revisors, and change other parts of the plan, so as to effect the same uniformity in the proceedings to prove a will, as were prescribed in relation to the attestation and place of proving it. It is generally agreed that the present laws are in this respect unnecessarily complicated, and that they often lead to useless expense.

But there is another evil. It now requires more time to prove a will of real estate, than it does to prove the same will for the purpose of granting letters testamentary; and it often happens that a will of both real and personal estate is first proved in relation to the personal property, and by a subsequent and distinct proceeding, as a will of real estate. And in other cases, the proof in relation to real estate is entirely omitted, although the validity of the will in that respect may be more important than in relation to the personal estate of the testator.

As the law has already prescribed the same attestation, and the same forum, for proving every description of written wills, the proof ought to be made by a single and uniform process.

There is another diversity in the present system. On proving a will of personal estate, it is not necessary to examine more than one of the subscribing witnesses; but when proved as a will of real estate, all the witnesses must be examined. P. 58, 61, sec. 12, 26. As the law now stands, a will may be first proved by one witness, for the purpose of granting letters testamentary; and when it is

subsequently attempted to establish the same will in relation to real estate, the surrogate, on hearing all the witnesses, may adjudge against its validity. In the mean time, the personal estate may have gone to the legatees, beyond the power of recalling it, while the devisees of the real estate will fail of obtaining the benefits of the will. A single example will sufficiently illustrate the force of this remark. A testator gives his personal estate, worth ten thousand dollars to his son A, and his real estate, worth the same sum, to his son B. If A obtains his legacy on proof of the will by a single witness, and the will should afterwards be adjudged invalid, when B attempts to prove it in relation to the devise of the real estate, then A may not only get all the personal estate, but be entitled, as heir at law, to share equally with B in the real estate. The time for a review or appeal on the first proof of the will may have elapsed; and thus, two sons, who ought to have shared equally in the estate, may obtain very different portions.

The first eighteen sections of the proposed bill, relate principally to the mode of proving wills, and are designed to obviate the objections which have been mentioned against the present system.

Sec. I. Declares what surrogate has jurisdiction to take the proofs. It is a transcript of the present 23d section (p. 60,) omitting the words, "so far as the same relate to personal property," so as to make it applicable alike to all wills. A fifth clause is added, providing that in cases not falling within either of the four first clauses, the will may be proved in any county where any part of the real estate devised may be situated. See sec. 7, p. 57, amended in 1830, 3 R. S. app., 148, sec. 14.

Sec. II. Declares what persons may apply for the proof of a will. See 2 R. S., p. 57, sec. 7.

Sec. III. Directs the surrogate to ascertain in the first instance, who are interested, and ought to have notice of the proceeding, and where they reside, so far as those facts can be ascertained. This will enable the surrogate to direct the citation to the proper persons by name, and fix on a suitable day for the return of the process. By directing the citation to individuals by name, instead of a general direction to "the heirs at law," or "the next of kin," it will be better understood, and will be conformable to the practice in other courts.

Sec. IV. Directs the surrogate to ascertain further, which of the persons to be cited are minors, and whether they have general guardians within this State. If they have none, the surrogate shall appoint special guardians to take care of their interest in the premises. The citation may then be directed to the guardian. See p. 57, sec. 8, 9, in relation to wills of real estate; p. 60, sec. 24, in relation to wills of personal estate. In the last case, no provision is made for appointing guardians; but the statute seems to require personal service on the next of kin, although only a week old. Although such is not the proper course under the existing law, uniformity of practice can only be attained by a specific provision requiring the appointment of a special guardian in all cases where there is not a general one. The principle that there shall always be some person to take care of the interest of minors in every proceeding by which they may be injured, ought never to be abandoned.

Sec. V. Declares what the citation shall contain, and to whom it shall be directed. See remarks on 3d and 4th sections.

Sec. VI. Directs the time and mode of serving the citation. See p. 57, 60, sec. 8, 24. There is considerable difficulty in prescribing a rule on this subject, which, without causing too much delay, shall furnish a reasonable assurance that all persons in interest have notice. The proposed section adopts a medium between the two sections of the existing law on the same subject. In most cases, the persons entitled to notice, will probably reside in the same, or the next adjoining county to the surrogate; and the first clause provides that the service in such cases, shall either be personal, or such as shall induce a reasonable presumption that notice actually came to the hands or knowledge of the person to be served, in season for him to attend. Where the person lives more remote from the surrogate, the service may either be personal, or by a reasonable public notice. And where he resides out of the State, or cannot be found in it, notice, as is provided by law in relation to other legal proceedings, may be given in the State paper. See 2d and 3d clauses.

The service required by the proposed section, while it may be thought too dilatory by some, may be deemed insufficient by others. But in a great majority of cases, it will insure personal notice to all. Where it fails of that end, most of the persons in interest will pro-

bably receive notice; and if in some cases, the heir or next of kin does not have actual notice, it will be no worse than what happens every day in the court of chancery, in more important matters, and in the supreme court in suits for partition. Other examples might easily be cited. It should also be remarked, that so many safeguards are provided in relation to the proceedings in surrogates' courts under the present system, that there can be no great reason to fear that injustice will be done.

Sec. VII. Requires proof of the due service of the citation. If the service has been defective in relation to any person, the surrogate may adjourn the proceeding for the purpose of bringing in such party. This provision may save the necessity of a second notice to persons already cited.

Sec. VIII. Directs what the proofs shall be. It is a transcript of the present law in relation to the proof of wills of real estate, (p. 58, sec. 12,) only substituting "citation" for "notice;" and with the addition of the words, "and who are not disabled from age, sickness or infirmity from attending." This addition, in connection with the five following sections, is inserted to provide for a case which is not reached by the Revised Statutes. All the witnesses who are living in this State, and of sound mind, are required to be examined. It has already happened in several instances, that such witnesses could not attend the surrogate, by reason of age, sickness or other infirmity: and the present bill prescribes the mode in which their testimony may be obtained. An act on this subject has been passed at the present session of the Legislature. Although that act is well adapted to the nature of the case in reference to the existing law, yet the repeal of some portion of the present laws, and the adoption of new provisions, make it expedient to consolidate the principles of that act in the proposed bill. In this way the system may be rendered more uniform and less complex in its character.

In addition to what has already been said in favor of a uniform mode of proving all written wills, as is proposed by this and the preceding sections, it may be remarked, that nearly as much personal as real estate is disposed of by wills; and there can be no difference in principle between the two cases.

Sec. IX. Provides for the examination of such aged, sick or infirm witness, where he resides in the same county with the sur-

rogate. It obviates the necessity for any new citation or notice. The persons attending the surrogate in pursuance of the citation, can, if they choose, proceed with him to the residence of the witness.

Sec. X. Where such witness resides in a different county from the surrogate, he may adjourn the proceeding, and order that the examination be taken before the surrogate of the county where the witness resides. By adjourning the proceeding, all parties in interest will be advised, without further notice, of the day when they may attend the final decision of the surrogate who commenced the proceeding. By specifying some Monday, on or before which the order shall be delivered to the surrogate directed to take the examination, the parties will be advised of the day when such surrogate will appoint the time and place for the examination. (See 11th section of proposed bill.) Some Monday is mentioned, because on those days, every surrogate is required to attend at his office. (2 R. S. 221, sec. 2.)

Sec. XI. Directs the surrogate receiving the order, on the specified Monday, to appoint the time and place for the examination; and to proceed and take the same accordingly.

Sec. XII. Directs the surrogate to certify the examination and the proceedings before him, to the surrogate who ordered the examination.

Sec. XIII. The surrogate who obtained jurisdiction in the first instance, shall, on the adjourned day, or as soon thereafter as practicable, proceed to adjudge on the sufficiency of the proofs.

The preceding five sections, while, by regular adjournments from time to time, they secure sufficient notice to all persons having an interest in the proceedings, obviate the delay and expense incident to new citations. In this respect, as well as in others, they are believed to be preferable to the act passed at the present session of the Legislature.

Sec. XIV. Declares that no written will shall be deemed proved until all the witnesses residing in this State, of sound mind and competent to testify, shall have been examined. The residue of the section is intended to guard against frauds, and is a transcript, with some slight modifications, of a part of the 26th section of the present law. (P. 61, sec. 26.)

[Senate No. 118.]

Sec. XV. Declares that sections 10, 11, 13, 14 and 15, of the present law, (p. 58,) which now apply only to wills of real estate, shall also be applicable to wills of personal, or both real and personal estate. The fitness of this provision, if a uniform rule of proving wills is adopted, is too obvious to require explanation.

Sec. XVI. There can be no necessity for recording a will more than once, where the proof establishes its validity as well in reference to real as personal property.

Sec. XVII. Provides for a case which cannot often happen; the proof of a will in reference to the personal estate, where all the witnesses are dead, insane, out of the State, or incompetent to testify. The proof in such cases, so far as the will relates to real estate, and the legal effect of the proof, are prescribed by sections 16, 17 and 18 of the present law. (P. 59.) Those sections have no relation to the personal estate; and cases may arise where letters testamentary will be required, which could not be granted without some provision like that contained in the proposed section.

Sec. XVIII. The surrogate ought to make a record of all his decisions, whether for or against the validity of a will offered for probate. Where he decides against the validity, a brief statement of the grounds of his decision, will be useful on a review or appeal.

This completes the sections having for their object a uniform rule of proving wills. Most of them are so connected, that the principle of any one could not be rejected without danger of impairing the harmony of the system.

SECOND. The granting of letters testamentary and of administration, and the revocation of letters of administration—Sections 19 to 30.

Sec. XIX. (See sec. 2, p. 69 of the present law.) This section declares that letters testamentary shall not be granted until the expiration of thirty days after the proof of the will. The object of this delay was to give time for filing objections against granting letters, or against the persons named as executors. Such objections are not probably filed in one case in a hundred. The provision occasions great delay, and in many instances, very injurious consequences. It is generally agreed that the provision is a bad one. The proposed substitute retains all the benefits of the provi-

sion, where an affidavit shall be made of an intention to file objections; and where that is not done, allows letters testamentary to issue immediately.

Sec. XX. Authorizes the surrogate, in his discretion, where there shall be any necessary delay in issuing letters of administration, to issue special letters of administration, authorizing the collection and preservation of the goods of the deceased. There is already a similar provision in relation to the case of wills. (P. 76, sec. 38.) The fitness of the last period of the proposed section will be obvious on referring to the sections which it mentions. (P. 76, 77, sec. 39, 40, 41, 43.)

Sec. XXI. Cases have arisen, and may probably happen again, where the sureties of an administrator, although sufficient at the time they were taken, have become insolvent, or removed beyond the jurisdiction of our courts. In such cases the surrogate ought to have power, on the application of any person interested in the estate, to inquire into the matter; and, if proper, to require the administrator to give new sureties, or be removed from his trust. Such is the object of this section. A provision similar in principle but applicable only to executors, will be found, p. 72, sec. 18.

Sec. XXII. XXIII. and XXIV. are necessary to carry out the principle. Sec. XXIX. is also connected with the subject.

Sec. XXV. This, (with some following sections,) is intended for the benefit of the sureties of an administrator. It may happen that an administrator executes his trust in a manner calculated to involve his sureties in difficulty; or, that an administratrix intermarries with some person for whose acts the sureties are unwilling to be answerable. They have no means of requiring the administrator to account, or of discharging themselves from the consequences of his future misconduct. It is not perceived that third persons can be injured by allowing the sureties to call on their principal to find new bail for his future good conduct. The sureties, (should this and the following sections be adopted,) will still remain liable for all the *past* improper acts or omissions of their principal, and will only be relieved against *future* misconduct, and that, either by the revocation of his power, or his finding new and sufficient sureties.

It is not proposed to require the sureties to show cause why they ask relief. It is enough that they desire it. They are usually, if

not uniformly, the friends of their principal; and would not be likely to ask relief through any wish to impair his creditor do him an injury. Again, the application of the sureties might not improbably lead to unkind feelings towards them on the part of the principal: and as the sureties would still remain liable for previous acts and omissions until the final settlement of the estate, they will not be disposed to ask relief, without some urgent motive.

Sec. XXVI. XXVII. and XXVIII. are sufficiently explained by what has been said in relation to section 25.

Sec. XXIX. Provides for requiring an administrator whose letters have been revoked, to render an account; and confers the necessary jurisdiction on the surrogate. (See the law to which the section refers, p. 92.) For a provision similar to the proposed section, though not so full—See p. 95, sec. 68.

Sec. XXX. (See sec. 33. p. 88 of the present law.) An executor or administrator cannot retain for his own debt, until the debt has been proved to, and allowed by the surrogate. The section does not point out the time or manner of making the proof. This is thought defective by some surrogates, and a very loose practice seems to have obtained with others, of allowing the executor or administrator to prove his debt by an *ex parte* proceeding. The proposed section declares that the proof may be made on the service and return of a citation directed to the proper persons; or on the final account of the executor or administrator, rendered pursuant to law. (See p. 92, 95, sec. 52, 70.) If the principle of the 33d section, (p. 88,) is retained, it can only be made efficacious by giving the persons interested in the question, an opportunity of contesting the demand of the executor or administrator.

THIRD. The sale of the real estate of testators and intestates for the payment of debts—Sec. 31 to 35.

Sec. XXXI. (See present law, p. 100, sec. 3.) Before ordering the sale of real estate for the payment of debts, the surrogate is required to appoint *special* guardians for all the minor heirs or devisees. The proposed change is, that the *general* guardian, if there be one in the county, shall act for the minor. The general guardian must understand the condition of the estate, and the interest of the minor, much better than a person appointed for the single purpose contemplated by this branch of the law. And besides,

the general guardian would more probably give careful attention to the proceeding.

Sec. XXXII. The 4th section of the present law, (p. 100,) requires a *personal* notice of *ten* days to the minor, of the intention to apply for the appointment of a guardian. Ten days notice occasions unnecessary delay; and it is proposed to alter this to *five* days. Again, *personal* service upon an infant of a few months or years old, is an idle ceremony. It is proposed, therefore, to confine the personal notice to minors of fourteen years and upwards, (that being the age at which they have a voice in the selection of their guardians, see p. 150, sec. 4, 5:) And when the minor is under fourteen years of age, the proposed section requires notice to the person having the custody, or with whom the minor resides. Such persons usually have an interest in the welfare of the child, and would be likely to see that a proper person was selected for guardian.

Sec. XXXIII. See present law, p. 100, 111, Sec. 1, 66. According to section 1, executors and administrators could not apply for the sale of real estate to pay debts, until they had filed an inventory, *nor until their account had been allowed and settled*. The provision requiring a previous settlement of their account, was repealed in 1890, on the suggestion of the revisors. [3 R. S. app. 151, sec. 22.] But the 2d, 5th, 10th and 14th sections of the present law, (p. 100, 102,) were not modified: and on referring to those sections it will be seen, that a sale cannot be ordered, *until all the personal estate which has come to the hands of the executor or administrator, has been applied to the payment of debts*. This provision, although well intended, operates in many cases most injuriously. The necessity for selling real estate to pay debts, is often times apparent as soon as the executor or administrator enters upon his duties. Where such is not the fact, the necessity of a sale must frequently be evident, long before the personal property can be applied to the payment of debts. Time is always required to convert the personal property into money, on terms beneficial to the estate. One or two years, or even a longer period may elapse, before the choses in action of the testator or intestate can be collected. The delay incident to the present rule is always injurious to creditors, and not unfrequently proves alike prejudicial to the heirs and devisees. These remarks are equally applicable to the sale of lands held under a contract of purchase. (P. 111, sec. 66.) It is generally agreed that the law ought to be amended.

The proposed section allows the executor to apply for an order to mortgage, sell, &c., *whenever he shall discover that the personal estate is insufficient to pay the debts.*

Sec. XXXIV. This gives the surrogate *a discretion* to order a sale in such cases, but guards its exercise in such a manner that there can be little reason to apprehend any injury to third persons.

Sec. XXXV. See present law, p. 111, sec. 66. The first period of the proposed section declares, that a sale may be ordered as well where the deceased was the *assignee* of a contract for the purchase of land, as where he was the original purchaser. Such is believed to be the true construction of the present law; but some surrogates understand it differently.

The second period in the proposed section, declares that the sale may be made, subject to all payments *due* or to become due on the contract. As the law now stands, the sale is made subject only to payments which may *thereafter become due*: and out of the moneys received on the sale the surrogate is to satisfy the payments *which had fallen due before the sale*. (See p. 111, 112, sec. 67, 78.) It is not perceived that any benefit can result from the present rule, but it may operate to the prejudice of those interested in the estate of the deceased. It requires the purchaser to pay on the sale, a larger amount of money than would be necessary if he took the contract subject to the payment of all the moneys *due* or to grow due upon it: and he might be willing to pay a better price where he could hope for some forbearance. The purchaser would be able in many cases to make arrangements beforehand with the original vender, for an extension of the time of payment. It often happens that the whole contract price is due. In such cases the whole purchase money must be paid at once to the surrogate; and if this amounts to nearly the value of the land, a sale cannot be effected. But a purchaser might be found who would give something for the interest of the deceased in the land, and take the chance of making some arrangement with the only original vender. The operation of the present law is said to be particularly injurious in the western counties, where more land is holden under contracts than in the older counties.

The remaining part of the proposed section is necessary to carry out the provision which has been mentioned. See the section to which it refers, p. 111, sec. 67; also sec. 68.

FOURTH. The removal and resignation of guardians appointed by surrogates. Sections 36 to 43.

Sec. XXXVI. Provision is already made for the removal of a guardian appointed by the surrogate, in certain cases. (p. 152, sec. 14 to 19.) It is proposed to extend this provision to the case of a guardian, who *has removed, or is about to remove from this State.* The surrogate will have a discretion, and will only make the removal, where the interest of the ward requires it. If this provision is adopted, the propriety of the clause about the service of a citation, will be obvious.

Sec. XXXVII. Provides for requiring an immediate account, from a guardian who has been removed. The provision will be equally appropriate, whether the 36th section is adopted or not. The section referred to, p. 152, sec. 11.

Sec. XXXVIII. to XLIII. inclusive. It will sometimes happen that a general guardian, appointed by the surrogate, wishes to resign his trust. An intention to remove from the State, a reverse of fortune, a change in the circumstances of his family, the loss of health, or some other cause, may induce a desire to be relieved of his charge. There can be no reasonable objection against permitting him to resign, if it can be done with safety to the interests of the ward. It is believed that the proposed sections will effectually protect the ward against injustice, and that the provision will operate beneficially.

Indeed, if the guardian was permitted to resign *unconditionally*, no great injustice could be done. He would still remain liable for all the estate which had come to his hands, and for every improper act or omission in relation to his trust. But the sections now submitted, make a much better case for the ward. 1. The ward, and his relatives are to have notice. 2. A special guardian is to be appointed to look into the matter; and other friends may also attend. 3. The guardian is to render a full account on oath, and furnish other evidence, satisfactory to the surrogate. 4. If every thing appears honest and fair, and the surrogate is satisfied that the interest of the ward will not be prejudiced, a new guardian may be appointed in the mode prescribed by law. 5. On a surrender by the old to the new guardian of every thing belonging to the ward, the surrogate may in his discretion, permit the former guardian to resign his trust. 6. A further account may be required; and the

guardian and his sureties still remain liable for any previous misconduct. In short, the guardian only discharges himself from the *future* custody and charge of the ward and his estate. With such safeguards, it is not perceived how this provision can ever work injustice; and it may be productive of much good.

FIFTH. Surrogate's Courts—Sections 44 to 46.

Sec. XLIV. Authorises the surrogate to adjourn any proceeding in his court from time to time, as the ends of justice may require.

It is believed that the surrogate already has this power, though it has been doubted. See *Surrogate's Courts*, 2 R. S. 220. The power to adjourn is not directly given by the statute; indeed it is so nearly denied, that nothing but the necessity of the case, will authorise a construction in favor of the existence of the power. The right to adjourn, is a necessary incident of the power "to administer justice." Yet the power of the surrogate "to administer justice," is limited by the words "according to the provisions of the statutes," and those statutes contain no provision for an adjournment. Again, the powers of the surrogates must be exercised "*in the manner prescribed by the statutes of this State, and in no other*;" and no surrogate shall, under pretext of *incidental power or constructive authority*, exercise *any jurisdiction whatever*, not expressly given by some statute of this State." Sec: 1. Stronger language could not well have been devised for taking away the right to adjourn, short of a prohibition in terms. Still, as the right is absolutely essential to the ends of justice, it is believed that any enlightened court would adjudge in favor of its exercise, even at the peril of a change of judicial legislation.

The proposed section will relieve the question from all doubt.

Sec. XLV. Where wills of real estate have heretofore been proved in the supreme court, parties in interest may desire to have them recorded in the county where lands affected by the will may be situated; and where a will has been or may be proved before the surrogate of one county, the parties may wish to have the will recorded in some other county, where lands are situated. This section provides for such cases.

Sec. XLVI. Provides for the fees of surrogates for services under this act. There is nothing in it new in principle, except a

mileage fee for taking the examination of aged or infirm witnesses, where it is necessary to attend at their dwellings.

Repealing Clause.

Sec. XLVII. How far this section shall be adopted, depends on the decision of the Legislature, concerning other parts of the bill.

Should the principle of the first 18 sections of the bill be adopted, it will then be obvious that sections 7, 8, 9, 12, 23, 24, 26 and 27 of title I, chapter VI of the second part of the R. S. (p. 56,) ought to be repealed.

Sec. 25, of the same title, it is proposed to repeal, because it is now applicable to wills of personal estate only; and because the case is amply provided for elsewhere. . See p. 221, sec. 6.

The repeal of sec. 2, title II, same chapter, (p. 69,) depends on the adoption of the 19th section of this act. See remarks on that section.

It is proposed to repeal a part of the last clause of sec. 1, p. 221. In relation to this clause, see remarks on sec. 44.

It may be added, that when this part of the clause has been repealed, the power of the surrogate "to administer justice," will be sufficiently straitened by the words, "according to the provisions of the statutes;" and again by the words, "in the cases, and in the manner prescribed by the statutes." The addition, "and in no other," if it do not betray a suspicion of the character of those officers, is, to say the least, utterly useless. The residue of the clause, denying all "incidental power or construtive authority" "whatever," is believed to be worse than useless.

In relation to the repeal of the act passed at the present session, see remarks on sections 8 to 13 inclusive.

The principal changes recommended by the proposed bill, relate to the first and second articles of title one, chapter six of the second part of the Revised Statutes. It has been proposed to re-enact those two articles, leaving out the parts to be repealed, inserting the amendments, and arranging the whole in connected form. This course is deemed objectionable. It would repeal, and at the same time re-enact a great portion of those articles; and

[Senate No. 118.] 3

thus transfer several pages from the present volumes of the Revised Statutes into the Session Laws.

It must be apparent, that all attempts to preserve unbroken the original order and arrangement of the Revised Statutes, short of a new edition annually, must prove wholly unavailing. Several hundred alterations have already been made in those laws, as they are set forth in the two volumes; and if the policy heretofore adopted shall be pursued, the time is not very remote when the Revised Statutes will themselves need a revision. Not such an one as that of 1830; but a revision which shall consist of omitting the parts which have been repealed, and inserting subsequent enactments in their proper places; with only such modifications of the language, as a systematic arrangement may authorise or require. Such were the revisions of 1801 and 1813.

When the time arrives for such a revision, it is hoped that two improvements will be effected. First—instead of only four acts occupying two large volumes, that there may, at the least, be as many acts as there now are chapters; and that each may have some appropriate title. Second—that all the sections of each act may be numbered continuously, instead of changing at every branch of the subject. It will then be practicable to refer with *convenient* brevity, to a particular provision, without the tedious recital of such a section, of such a title, of such a chapter, of such a part of the Revised Statutes, as is now necessary; and which, in legislative enactments, reports of committees and public officers, proceedings in courts, and wherever else it is necessary to refer to the statute laws, has become a heavy burden.

Respectfully submitted.

GREENE C. BRONSON,

Attorney-General.

April 11, 1834.

IN SENATE,

March 28, 1834.

REPORT

Of the committee on the judiciary, on the bill from the Assembly, entitled "An act to incorporate a society in the county of Rensselaer, for the apprehension of horse thieves."

Mr. Lansing, from the committee on the judiciary, to whom was referred the bill from the Assembly, entitled "An act to incorporate a society in the county of Rensselaer, for the apprehension of horse thieves,"

REPORTED:

Although the object of the bill may be commendable, the committee can see no necessity for its passage. Incorporations should only be granted when the amount of capital, required to attain the object, is too large for individual means. The object contemplated by the bill has been and is now attained by individuals, and in the pursuit of horse thieves, your committee can conceive of no necessity of a joint property. The success of the association, in the attainment of its objects, depends entirely on the willingness of its members to engage in the pursuit, and which cannot be controlled by an act of incorporation. The small amount of capital, \$500, in addition to reasons above suggested, satisfy your committee that the passage of this bill would be indiscreet and trifling legislation, and as a precedent, decidedly injurious.



IN SENATE,

April 17, 1834.

REPORT

Of the committee on the judiciary, on the petition of Jean Gray, Janet Dunlop and others; and also the memorial of the Leake and Watts Orphan Asylum.

Mr. Lansing, from the committee on the judiciary, to whom was referred the petition of Jean Gray, Janet Dunlop and others, as next of kin of John G. Leake, deceased, and also the memorial of the Leake and Watts orphan asylum,

REPORTED:

Aware of the importance of the principle and the extent of the property involved in the investigation of the subject embraced in those petitions, the committee have endeavored not to be unmindful of either. By the respective papers submitted, and statements made to the committee, it appears, that John G. Leake, being a resident of New-York, died a few years since, leaving a large estate, both real and personal, without leaving any heirs capable of inheriting. It also appears, that after his death an instrument was found among his papers, purporting to be his will, by which he devised all his personal and real estate, with the exception of a few specific legacies, to one Robert Watts, on certain conditions specified in such instrument, and on the happening of a certain event, it was devised over to certain individuals in trust, for a specified charitable and benevolent purpose. This paper, by the decision of the court for the correction of errors, was established to be a valid will of personal estate only. The said Robert Watts had expressed his willingness to accept of said property, on the terms specified. After the death of said Robert, by conveyance

from John Watts, the father and heir at law of said Robert, the trustees named in said instruments became the recipients of said personal estate, for the purposes specified in said instrument. Most, if not all, the real estate left by said Leake, has come to the possession of the State, for want of heirs capable of taking the same. Of this, a large portion has been sold by the State, and the avails thereof consist now in securities taken for the purchase money.

The petitioners, Jean Gray, Janet Dunlop and others, represent themselves as the next kin of the said J. G. Leake; that they are now aliens, and reside in the kingdom of Great Britain, and pray that the avails of said estate, so escheated to and received by the State, should be released and transferred to them.

The committee did not go into the investigation, whether the petitioners were or were not the next of kin of said Leake. The counsel for the petitioners asserted they were so, and offered to submit proof of the same, while the counsel for the asylum denied the assertion. The committee, however, declined hearing the proof, believing that for all the purposes of the inquiry, the consanguinity of the petitioners might be considered as established, and also for the reason, if any relief were granted, it would be referred to the Commissioners of the Land-Office to carry into effect, and the committee deemed that Board, under the circumstance of its continual session, better calculated to arrive at the whole truth, than could be anticipated from a legislative inquiry, made upon ex parte statements.

The petitioners in this case claim they are entitled to a release on such terms as the Legislature may impose. That the uniform practice of the Legislature has been to release the right of the State in lands to those who would have inherited, were they not aliens; and that this uniform action has in a great measure constituted the State a mere trustee of escheated lands, for the next of kin. It is true that our statute books contain many laws granting such releases, and at the last session a general law on the subject was passed.

The policy of our laws has been, and is now, to permit aliens to enjoy certain rights of citizens as to real property, and imposes upon them but slight burthens to enable them to obtain all the

rights of a citizen. The same reason that originated the doctrine of escheats, still continues; and while your committee would not approve of a rigid enforcement of all the consequences of escheatage, still they think the Legislature should be cautious in allowing those who owe allegiance to a foreign government, to become lords of a soil they do not occupy. Allowing, however, that the doctrine of escheats had its origin in a barbarous age, (when every alien was viewed as an enemy,) and that the frequent acts of our Legislature evince that the more liberal and enlightened views of the present day are adverse to its application in certain cases; still the committee cannot, under the circumstances of this case, think that the assertion by the State of its rights, would violate any settled rule of policy, to be drawn from the precedents cited.

The law of descents and inheritance was established as a matter of civil polity, to prevent that confusion and inevitable broil, which must ensue on the death of the possessor of property, by the strife and struggle for its occupation, which, in a state of nature, was the most complete and only title to property. The peace and harmony of society demanded that every species of property should at all times have a fixed and definite owner. Governments, aware of this necessity, have allowed its citizens to appoint to whom their property shall go at their death, and in case of neglect in so doing, have designated a certain class who shall succeed. In the absence of the express will of the last possessor, the law has endeavored, in its selection, to follow what may fairly be presumed to be his intention; and has, in most cases, varied by the peculiar form of each government, declared, that his children and relatives should become the owners.

This presumption is founded on the natural duty which an individual owes to his kindred, and when settled and acted upon, has a tendency to promote industry and frugality. The accumulator of property is encouraged in his laudable pursuit, by the knowledge that his kindred cannot but by his own act, be deprived of his property. The same motives of policy, and to which is superadded the self-protection of governments, have also established the rule, that in case there are no kindred of the person last seized, who owe submission to the laws which protect the property, such property should vest in the government, from which all property is supposed to emanate. And in those cases in which our government, actuated by the enlightened spirit of the age, have relaxed the rigor of

the old rule, it has been on condition that the recipient of its clemency should himself become subject to its laws, or within a limited period should transfer the property received, to those who were thus subject.

The practice of the government of releasing escheated estates to the kindred of the person last siesed, cannot be based on any other ground than a desire to fulfil the presumed intention of the deceased above stated. If not, why should they withhold a release from any individual who may apply? It cannot be supposed that an application from a stranger would be for a moment entertained for such release. It is on this presumption government acts; and when no higher duty to itself intervenes to give effect to such supposed intention, will grant releases on such terms and conditions as they may think prudent and wise to impose. If however, such presumption is destroyed by the expressed will of the intention of the individual, one great rule and guide for the action of the government is removed. In such case the next kin can no more say that the ancestor intended it for him, than can a stranger. The presumption is destroyed by the expressed intention of the individual, and whether such intention is expressed in such manner as can be enforced by the rules of law, is immaterial. The State then, where there are no heirs capable of inheriting, comes in the place of a lawful heir; and the next of kin in such case, can have no claim on the justice or clemency of the State.

In the case presented to the committee, it appears that Mr. Leake died, leaving a large estate, real and personal; that an instrument was found among his papers, devising his estate to one Robert Watts. This paper, although insufficient as a will of real property, was established as a will of personal estate, and by reason of it the said Robert Watts as his heir became possessed of such personal estate; and by reason of the informality of the will, the State became entitled to the realty. If the views taken by the committee are correct, it seems to them, that neither equity, nor former practice, nor precedent, call upon the State to release the property to the petitioners as next of kin.

The petition of the Orphan Asylum, addresses itself to the notice of the Legislature by reason of the contents of the aforementioned instrument or will. While your committee appreciate fully the benevolent purposes of said asylum, they can discover in them no

claim to the estate of Mr. Leake, a transfer of which to them they ask for in their petition. The event, upon the happening of which, by the instrument referred to, the property of Mr. Leake was to enure for their benefit, never occurred. Robert Watts had expressed his willingness to accept the devise on the terms prescribed, and by which acceptance all claim of the asylum was prohibited. Robert Watts dying without issue, and intestate, the property so received by him, descended to his father. The elder Mr. Watts, aware that his son had literally complied with the conditions attached to the possession of the property, but supposing that the great object of Mr. Leake was to perpetuate his name, which by the death of the son without issue was prevented, in a most commendable spirit of liberality, conveyed the amount to those individuals, and on those trusts which Mr. Leake had desired, in case Robert Watts should not comply with the condition imposed. The asylum can be considered in no other view, than as founded by the liberality and munificence of the elder Mr. Watts. It stands therefore on the same ground with all other charitable institutions, founded by private munificence; and as to this particular fund, cannot be considered as having any peculiar claim. The committee did not suppose that in the papers referred to them, it was intended they should inquire into the propriety of a general donation to the asylum, but simply whether under all the circumstances attending the estate of Mr. Leake, the asylum had not a peculiar claim to that fund. They have not therefore inquired into the probable extent of the usefulness of the asylum, and by denying their present petition, do not intend to say they are not entitled to the favor of the Legislature. On the contrary, they think the objects of the asylum commend it to its notice. As far, however, as regards the petition of the asylum, for a transfer of this peculiar fund to them, the committee are of opinion it should not be granted.

The committee, on the whole view of the case, have directed their chairman to submit to the Senate the following resolution, the adoption of which they recommend:

Resolved, That the prayer of the petitioners ought not to be granted, and that the petitioners have leave to withdraw their papers.



No. 123.

IN SENATE,

April 22, 1834.

REPORT

Of the Attorney-General, in pursuance of a resolution of the Senate referring to him the bill altering the charter of the city of Albany.

ATTORNEY-GENERAL'S OFFICE, }
Albany, April 22, 1834.

TO THE PRESIDENT OF THE SENATE.

SIR—

In pursuance of a resolution of the Senate, I submit herewith a report concerning the power of the Legislature to alter the charter of the city of Albany.

I am, very respectfully,
Your obedient servant.

GREENE C. BRONSON.



REPORT, &c.

The Attorney-General, to whom was referred by the Senate, the bill entitled "An act further to amend the act entitled 'An act to amend the several acts relating to the city of Albany, and to combine the same into one act,' passed April 13th, 1826," with instructions to report his opinion on the seventh section of said bill, submits the following

REPORT:

The section in question, is in the following words:

"§ 7. The next election for aldermen, assistant aldermen and constables shall be held on the first Tuesday of May, eighteen hundred and thirty-five, and the present aldermen and assistant aldermen shall continue in office and hold over until that time."

Under the existing laws, three elections are holden annually in the city of Albany. An election for one supervisor, assessor, collector and constable in each ward, on *the first Tuesday of May*. An election for two aldermen, two assistants and one constable for each ward, on *the last Tuesday of September*. Laws, 1826, p. 167, sec. 4. And the annual election for State and county officers, is holden on *the first Monday in November*, in this, and in all the other cities and towns in the State. By the charter of the city, granted by Governor Dongan in 1686, the election for aldermen and assistants was to be holden "on the feast day of St. Michael the Arch-Angel." This feast day some times fell on Sunday; and the time for the election was changed by the act of 1826 already cited.

The effect of the seventh section, if adopted, will be to consolidate the September and May elections, so that the charter officers, and the supervisors, assessors, collectors and constables will all be elected at the same time. There will then be but two elections. One for city officers in May, and the other for State and county officers in November. The present charter officers were elected

in September last, for one year. The change of the September election to the month of May, makes it necessary that the term of the persons now in office should either be abridged, by a new election in May, or prolonged, by allowing them to hold over from the last Tuesday in September, to the first Tuesday in May following. The leading object of the section is, to change the time for holding the election; and what follows in relation to holding over, is but an incident to the main purpose.

Accompanying the bill, is a remonstrance against this provision. Those who remonstrate say, that "The time when, and the period for which the aldermen and assistant aldermen of the city of Albany are to be elected, are prescribed by the charter of the city and sanctioned by the laws of the State. And one of the most essential provisions is, that the aldermen and assistants are to be elected, and that too by the electors of the city. And your memorialists are at a loss to know what other power has authority to appoint the aldermen and assistants for the city, and thereby defeat the electors of the right thus secured to them by the charter of their city and the laws of their State. If this can be done for the term of six months, why not for six years? or even during the lives of the present incumbents? The latter would involve the exercise of no different power, from the exercise of the former, although it shows more glaringly the usurpation sought by the applicants." "If the law should be passed, your memorialists conceive that it must be upon the ground that a majority of the common council have a right to surrender up that part of the charter which gives to the citizens the right of electing the members of the common council, and upon their own application secure their continuance in the office by an appointment from the Legislature. If they can thus surrender this right under the charter, then it follows that they can surrender any other right, nay the charter itself." Against the right of the common council to surrender the charter or any of its privileges, the memorialists enter their protest: and they request the Legislature to reject the application "as wholly inexpedient and inconsistent with the rights of the citizens of Albany."

Whether it is "inexpedient" to reduce the number of elections in the city, from three to two; or, whether it be more expedient to shorten, than to prolong the term of those now in office, (an alternative which must follow if the time of the election shall be

changed,) are questions upon which it is not supposed the opinion of the Attorney-General can be desired. It is presumed that the object of the reference, was to obtain an opinion concerning the power of the Legislature to pass the section, if its provisions should be approved.

It is true, as stated by the memorialists, that "the time when" the aldermen are to be elected, is prescribed by the original charter of the city; but that time has already been changed by the Legislature, and may be altered again if it shall be deemed expedient. It is also true, that "the period" for which the city officers are elected, is prescribed by law; but there is nothing in the Constitution to prohibit the Legislature from fixing another period for the holding of those officers, should such a provision be thought proper. The Constitution declares, that "all officers heretofore elected by the people, shall continue to be elected." It also provides, that "where the duration of any office is not prescribed by this Constitution, it may be declared by law." Art. IV. sec. XV. XVI. Although charter officers must be "elected by the people," the "duration" of their offices, not having been prescribed by the Constitution, may be "declared by law." Whether they shall hold for one, two or more years, is not a question of power on the part of the Legislature, but one of expediency.

The memorialists seem to regard the section as providing for the appointment of the aldermen, and they say in the language of enquiry, "if this can be done for the term of six months, why not for six years, or even during the lives of the present incumbents?" It may be conceded that the Legislature cannot appoint aldermen; but there is a manifest difference between appointing a man to office, and declaring by law that the incumbent may hold until a successor shall be elected. It is not necessary to inquire whether the Legislature can authorise the present members of the common council to hold over for "six years," or for their "lives," as the section only authorises such holding from the time now prescribed by law, to the time designated by this bill for future elections—a period of six or seven months.

It is believed that the power of the Legislature to authorise an officer to hold over until a successor shall be elected or appointed, even where the term is prescribed by the Constitution, has never been doubted. It is declared by 1st Revised Statutes, 117, sec. 9, that "every officer duly appointed, except the Chancellor, justi-

ces of the Supreme Court, and circuit judges, who shall have duly entered on the duties of his office, shall continue to discharge the duties thereof, although his term of office shall have expired, until a successor in such office shall be duly qualified." The exceptions in the section, relate to officers who do not hold for a term of years, but who at a certain age become disqualified by the Constitution. The tenth section, (same page,) makes a provision similar to that of the ninth, in relation to "sheriffs and clerks of counties, including the register and clerk of the city and county of New-York."

The supposing of extreme cases, does not always afford a just criterion for deciding, either upon the legality or expediency of a particular measure. It may be both lawful and expedient to change the time of electing an officer, and to declare that the incumbent shall hold over, one week, one month, or six months, as the case may be, until the time appointed for the new election: while it may be both impolitic and unauthorised to declare that a person in office shall hold either "six years," or for any other period, amounting to an entire term, beyond that for which he was elected. The Constitution provides, that a great number of officers shall be appointed by the Governor and Senate: that others shall be appointed by the Legislature; and others be elected by the people. Yet it has been declared that the Governor alone may supply vacancies in all those offices, to hold, in cases of the first class, until "the end of twenty days from the commencement of the next meeting of the Senate;" in cases of the second class, "until such vacancy shall be regularly supplied;" and in the case of sheriffs, clerks of counties, &c. "until it [the office,] shall be supplied by an election." 1 R. S. 123, 124; sec. 42, 43, 49. The right of the Legislature to pass such laws, cannot be doubted; and yet if the persons appointed by the Governor had been authorised to hold "six years," or for a shorter period, amounting to the whole of a regular term, the provision would most clearly have been unconstitutional.

The memorialists have not pointed to any provision of the Constitution which they suppose will be infringed by passing the section in question. They appear however to entertain the opinion, that the Legislature cannot alter the charter of a city, even with the consent of the corporation itself. They say, "if they, [the common council,] can thus surrender this right under the charter,

then it follows that they can surrender any other right, nay the charter itself." Again—"Against this right in the common council thus to surrender the charter, or any of its provisions or privileges, your memorialists also protest."

There cannot be the slightest ground for doubt, that a corporation can surrender the whole or any part of its franchise. Although only one instance occurring in this State, is recollected, of the surrender of the entire charter, it is not improbable that there may have been others. And in relation to the surrender of a part of its privileges; or, what is the same thing—an alteration of the charter on the application of the corporation, it is believed that a session of the Legislature has not been holden within the last twenty years, without the assertion of a different doctrine from that stated in the memorial. That the Legislature may alter or amend the charter of a corporation, on petition for that purpose, is a proposition too plain for discussion.

If the memorialists had in their minds any particular provision of the Constitution which they supposed would be violated by passing the section, it may probably have been the fourteenth section of Art. VII. In relation to that section, it is deemed sufficient to refer to a former report of the Attorney-General. Legislative Doc. 1830, No. 392. See also a report of the committee on the judiciary in the Senate. Senate Doc. 1832, No. 93.

One of the general divisions of corporations, is, into those which are private, and those which are public. In the case of private corporations, such as banks, insurance companies, manufacturing companies and the like, the Legislature cannot interfere with their corporate privileges, unless the right to do so was reserved in the original grant, or the corporation itself consents to the alteration. But the case is otherwise in relation to public corporations, such as cities, towns and villages. Corporations of this description are created for the purposes of public government. They are political institutions, subject to the regulation of the Legislature. Although they should refuse assent, their privileges may be enlarged, abridged or altered at pleasure, securing however the property for the benefit of those for whom it was purchased.

Several authorities in support of this position are mentioned in the report of the committee on the judiciary already referred to. Others might be added, if it were necessary. In this report it was

asserted, that the Legislature had the power to alter the charter of the city of New-York, against the will of the corporation. By the charter, the common council was authorised to appoint measurers of grain. The committee asserted the right to take away that privilege, and confer the power on the Governor and Senate. The Legislature concurred in opinion with the committee, and passed an act for that purpose. See Laws 1832, p. 218. In the Senate the vote was unanimous. Senate Journal, 1832, p. 243. In the Assembly, the bill passed by a vote of 91 to 5. The five who voted in the negative, probably acted on the ground that the measure was inexpedient. It is understood that the validity of this act was called in question by the measurers who had previously been appointed by the corporation: and that the superior court of the city of New-York held that the law was valid.

If there could be a doubt about the power of the Legislature to interfere without the consent of the corporation, as was done in the case just cited, there can be none, where the corporation asks the alteration of its charter; and such is the case under consideration. The common council of Albany, have requested that this, among other amendments, should be made. Whether their request should be granted or not, is a question of expediency, not of power.

A precedent like the one in question, in every important particular, will be found in the Laws of 1830, p. 125, sec. 5. See same act, 3 R. S. app. 125. Previous to 1830, there was but one election in the city of New-York. Charter officers were chosen at the time of the general election in November. By the act in question, the time for holding the charter election was postponed from the first Monday in November to the second Tuesday in April: and it was declared that the persons in office at the time the act was passed, should continue to hold, "until the officers elected under this law shall be entitled to be sworn into office." This bill was passed in the Senate by a unanimous vote, and in the Assembly with only one dissenting voice. Senate Journal 1830, p. 230. Assembly Journal 1830, p. 431-2.

Respectfully submitted.

GREENE C. BRONSON,

Attorney-General.

Albany, April 22, 1834.

IN SENATE,

April 24, 1834.

ELEVENTH ANNUAL REPORT

Of the managers of the Troy Savings Bank, for the
year ending the first Monday of April, 1834.

To the Honorable the Legislature of the State of New-York.

Pursuant to the provisions of the act, entitled "An act to incorporate the Troy Savings Bank," the board of Managers

REPORT:

That from the first Monday of April last to the first Monday of April, instant, there has been received from depositors in said bank the sum of \$543,45.50. And that during that time there has been withdrawn from the said bank by depositors, the sum of \$48,915.78, including dividends paid. The sum of \$434.25 has been paid for contingent expenses of the bank during the past year; and \$4,203.21 has been expended in the purchase of a house and lot, for the future accommodation of the bank. That there is now deposited to the credit of the bank in the

Bank of Troy, the sum of.....	\$74,696 25
And in the Farmers' Bank, the sum of	69,589 40

Amounting in the whole to..... \$144,287 74

Being the amount received by the Troy Savings Bank since the commencement of the institution, and the interest accrued thereon, after deducting the amount refunded to depositors, the contingent expenses of the bank, and the amount invested as above mentioned in real estate.

That depositors in the said bank have received dividends at the rate of five per cent per annum, and one dividend at the rate of five and

a half per cent per annum; and that there is a balance to the credit of the profit and loss account amounting to \$5,656.66, including the real estate.

All which is respectfully submitted.

Troy, April 7, 1834.

TOWNSEND McCOUN, *President.*

J. L. LANE, *Secretary.*

IN SENATE,

April 30, 1834.

REPORT

Of the Commissioners of the Land-Office, pursuant to the act of the 25th of October, 1828, relative to the re-payment, in certain cases, of monies paid for taxes.

Pursuant to the directions of the act entitled "An act authorizing the re-payment, in certain cases, of monies paid for taxes," passed October 25, 1828, the Commissioners of the Land-Office hereby report to the Legislature the names of persons to whom warrants have been ordered under the said act since their last report, and the amount of such warrants respectively, as follows:

Date of order.	Names of persons.	Amount of warrant.
1832. April	24. John A. Lebagh,	\$24 09
" May	11. Silas Wright, junior,	2 74
" "	12. John Kiersted,	186 53
" "	18. Charles Hathaway,	60 06
" "	" Jacob Bliss,	3 18
" "	21. Austin Hyde,	8 38
" June	1. A. H. Van Arnum,	5 98
" "	6. Richard Van Rensselaer,	3 32
" "	" H. Y. Stewart,	5 10
" July	20. Russell Ransom,	8 57
" August	14. Thomas M. Burt,	35 03
" October	22. Jonathan D. Grant,	8 24
" November	2. John Rathbone,	4 39
" "	6. Abisha Lewis,	1 47
" "	10. Mary Ann L. Thompson,	2 84
" December	21. Thomas Armstrong,	10 76
1833. January	3. Austin Hyde,	8 38
" February	18. Gerrit Wendell,	9 12

Date of order.	Names of persons.	Amount of warrant.
1833. March	2. Peter Schermerhorn,	16 13
" "	12. John Newhouse,	80
" "	16. L & R. Merchant,	1 64
" July	5. William H. Harison,	8 20
" "	25. Edmund Bruyn,	59 31
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All which is respectfully submitted.

JOHN A. DIX, *Secretary.*

A. C. FLAGG, *Comptroller.*

SIMEON DE WITT, *Surv'r. Gen.*

GREENE C. BRONSON, *Att'y-Gen.*

April 28, 1834.

IN SENATE,

May 6, 1834.

REPORT

**Of the committee on Indian Affairs, on the petition
of the Ochquaga tribe of Indians.**

Mr. Seward, from the committee on Indian affairs, to whom was referred the petition of the Ochquaga tribe of Indians, submitted the following

REPORT:

That the said petition is signed by twenty-one persons, who represent themselves as the chiefs and warriors of the Ochquaga tribe of Indians, formerly residing on the Susquehannah river, but who, in consequence of the revolutionary war, were compelled to abandon their homes, and for a long time resided at Lewiston on the Niagara river, and subsequently lived with the Oneidas and Senecas in the state of Ohio, and emigrated with them to their present settlement beyond the Missouri.

The petitioners represent that their tribe, at the time of the revolution, were the owners of a large tract of land upon the Susquehannah river and its branches, containing about 430,000 acres; that they were friendly to the American cause in the revolution, and that they have never sold any part of the said lands, and have received no equivalent for them.

The land which the petitioners claim in behalf of their tribe is described as follows: Beginning at Owego, on the Susquehannah, and running thence a southeasterly course to the boundary line between the States of New-York and Pennsylvania, being about ten miles; from thence easterly to where the said line again crosses the Susquehannah, and situated between the said line and the Sus-

quehannah river, and between the Chenango river and the Susquehannah and Unadilla rivers, and up the last river about 15 miles; thence west from the Chenango to the Unadilla river.

The petitioners further allege, that they have a claim upon the State for about \$1,200, a balance remaining unpaid under treaties for other lands conveyed by them to the State.

The petitioners have appointed J. T. Schermerhorn their agent to negotiate with the State, and they pray the Legislature to pay them the aforesaid balance of \$1,200, and to make them a just and reasonable compensation for the said tract of 430,000 acres.

Accompanying the petition is a certificate, purporting to be signed by the Seneca chiefs, verifying the signatures of the Ochquaga chiefs, and stating that the number of the remnant of the latter tribe is fifty-five. There is also a map of the tract claimed, and a letter from Mr. Schermerhorn, who is the agent of the General Government to procure the emigration of the Indians from their present settlement.

The committee have consulted with the Surveyor-General in relation to the claim of the petitioners. They have ascertained by the records in the office of the Secretary of State that the tract of land in question was purchased by the State from the Oneida and Tuscarora Indians by treaty made at Fort Herkimer on the 28th day of June, 1785. The Ochquaga Indians were a branch of the Oneida tribe, who at that time possessed the lands in question. The committee have not ascertained that any balance is due to the Indians, and are satisfied that there is no just claim upon the State for any compensation for the tract of land mentioned in their petition.

The committee offer the following resolution:

Resolved, That the petitioners have no just claim against this State.

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